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## MEMORANDUM

TO: Daryl Wierzbinski, USACE Regulatory Project Manager  
Sarma Straumanis, MnDOT WCA Administrator

FROM: Natalie White, SEH Biologist

DATE: August 24, 2015

RE: Supplemental Information for TH53 Relocation Wetland Permit Application –  
Volume II  
Tables 3, 3A, 3B  
SEH No. MNT01 130641 14.00

The purpose of this memorandum is to provide supplemental information for the TH 53 Relocation Project Wetland Permit Application, Volume II (Replacement Plan Application). Tables provided below are intended to replace Table 3, 3A, and 3B of the application document and supplemental memo dated July 24, 2015.

Changes in wetland impact amounts reflect updates due to refined construction limits as the project progresses from 30% to 60% design. There are also additional permanent cut and fill impacts to Wetland 23 for construction of a storm water pond (see sheets EC05 and EC06 in the attached erosion control plans and Figures 4-8 and 4-11 of the attached mapbook). This pond must be located within the road premises easement, as well as sited topographically to receive storm water. Untreated storm water must not be allowed to flow into the Rouchleau Pit, as the pit is source water for the City of Virginia municipal supply. Additional temporary fill impacts are proposed to Wetland 59 for removal of highway bridges above the wetland (see sheet EC19 and Figure 4-4). Bridge material dropped into the wetland will be removed, and the area will be stabilized with seeding. Erosion control blanket will be installed on areas with slopes greater than 4:1. The updated limits and impact areas are detailed on the attached figures and erosion control plan sheets.

Updates to wetland impacts will also change the proposed compensatory mitigation amounts for the project. As described in Section 4.1 of the Wetland Permit Application Volume II, compensatory mitigation for permanent impacts to wetlands is proposed through debit of credits from wetland bank #1595 (U of M Fens) located in St. Louis County, Major Watershed #3, Bank Service Area #1. We presume that a debit of 9.96 credits will satisfy requirements of both the USACE (7.90 credits necessary at a 1:1 mitigation ratio) and the WCA (9.96 credits necessary at a 1:1 mitigation ratio).

Table 3 below identifies all updated wetland impacts due to the proposed project. Tables 3A and 3B separate wetland impacts into the respective regulatory programs. These tables supplement updated figures (attached) that show the location of all wetland impacts. Areas where wetland impacts have changed from previous submittals are identified in the tables in **highlight** text.

Table 3  
Wetland and Aquatic Resource Impact Summary

Basin ID <sup>1</sup> / Page in Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Aquatic Resource Impact Area (acres)	Wetland Impact Summary (acres) by Jurisdiction	
						WCA	USACE
1 (Fig 4-2)	Shrub-Carr	Portions incidental (wet roadside ditch in part); drains to Rouchleau Pit	Permanent	Cut	0.28	0.28	--
3 (Fig 4-2, 4-3)	Shrub-Carr	Drains to Rouchleau Pit	Permanent	Cut	0.29	0.29	--
4 (Fig 4-3)	Shrub-Carr, Shallow Marsh	Incidental (manmade ravine near old mine dump); drains to Rouchleau Pit	Permanent	Cut	0.12	--	--
5 (Fig 4-3, 4-5)	Fresh (Wet) Meadow	Portions incidental (wet roadside ditch in part); drains to Rouchleau Pit	Temporary	Cut	0.002 (76 ft <sup>2</sup> )	0.002 (76 ft <sup>2</sup> )	--
6 (Fig 4-3)	Hardwood Swamp	Drains to Rouchleau Pit	Permanent	Cut	0.12	0.12	--
7 (Fig 4-3, 4-5)	Hardwood Swamp	Isolated	Permanent	Cut	0.02	0.02	--
8 (Fig 4-2, 4-3, 4-5)	Shrub-Carr	Drains to Rouchleau Pit	Permanent	Cut	0.65	0.65	--
			Temporary	Cut	0.22	0.22	--
9 (Fig 4-5)	Shrub-Carr	Incidental (wet roadside ditch); drains to Rouchleau Pit	Permanent	Fill	0.06	--	--
10 (Fig 4-5)	Shrub-Carr	Incidental (linear basin between road and mine dump); drains to Rouchleau Pit	Permanent	Fill	0.03	--	--
11 (Fig 4-5)	Shrub-Carr, Shallow Marsh	Incidental (wetland developed at margin of deep water pit pond); drains to Rouchleau Pit	Permanent	Fill	0.21	--	--
12 (Fig 4-5)	Shrub-Carr	Incidental (wetland developed at margin of deep water pit pond); drains to Rouchleau Pit	Permanent	Fill	0.10	--	--
14 (Fig 4-5, 4-9)	Shrub-Carr	Incidental (tailings basin); drains to Rouchleau Pit	Permanent	Fill	0.44	--	--
15 (Fig 4-9)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Rouchleau Pit	Permanent	Fill	0.03	--	--

Table 3  
Wetland and Aquatic Resource Impact Summary

Basin ID <sup>1</sup> / Page in Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Aquatic Resource Impact Area (acres)	Wetland Impact Summary (acres) by Jurisdiction	
						WCA	USACE
16 (Fig 4-9)	Shrub-Carr	Incidental (manmade ravine); drains to Rouchleau Pit	Permanent	Fill	0.21	--	--
17 (Fig 4-8)	Fresh (Wet) Meadow	Incidental (linear basin between road and pit pond); drains to Rouchleau Pit	Permanent	Fill	0.01	--	--
18 (Fig 4-7, 4-8)	Fresh (Wet) Meadow, Shrub-Carr	Drains to Rouchleau Pit	Permanent	Fill	0.03	0.03	--
19 (Fig 4-7, 4-8, 4-11)	Shrub-Carr, Shallow Open Water, Shallow Marsh	Drains to Rouchleau Pit	Permanent	Fill	0.15	0.15	--
20 (Fig 4-11)	Shrub-Carr	Drains to Rouchleau Pit	Permanent	Fill	0.02	0.02	--
23 (Fig 4-8, 4-11)	Shrub-Carr, Hardwood Swamp, Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Rouchleau Pit	Permanent	Fill	0.20	0.20	--
			Permanent	Cut	0.71	0.71	--
24 (Fig 4-11)	Hardwood Swamp, Coniferous Swamp	Drains to Rouchleau Pit	Permanent	Cut	No Impact	No impact	--
26 (Fig 4-11)	Fresh (Wet) Meadow	Drains to Manganika Lake	Permanent	Fill	0.29	0.29	0.29
27 (Fig 4-11)	Hardwood Swamp	Drains to Manganika Lake	Permanent	Fill	0.15	0.15	0.15
28 (Fig 4-10, 4-11)	Shrub-Carr	Drains to Manganika Lake	Permanent	Fill	2.11	2.11	2.11
			Temporary	Cut	0.03	0.03	0.03
29 (Fig 4-11)	Shrub-Carr	Drains to Manganika Lake	Permanent	Fill	0.40	0.40	0.40
31 (Fig 4-11)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Rouchleau Pit	Permanent	Fill	No Impact	--	--

Table 3  
Wetland and Aquatic Resource Impact Summary

Basin ID <sup>1</sup> / Page in Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Aquatic Resource Impact Area (acres)	Wetland Impact Summary (acres) by Jurisdiction	
						WCA	USACE
33 (Fig 4-11)	Shallow Marsh	Incidental (wet roadside ditch); drains to Rouchleau Pit	Permanent	Cut	0.02	--	--
34 (Fig 4-11)	Shallow Marsh	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Cut	0.07	--	0.07
35 (Fig 4-10, 4-11)	Fresh (Wet) Meadow	Drains to Manganika Lake	Permanent	Fill	1.39	1.39	1.39
36 (Fig 4-10, 4-12)	Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Fill	0.94	0.94	0.94
			Permanent	Cut	0.53	0.53	0.53
37 (Fig 4-12, 4-13)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Cut	0.04	--	0.04
			Temporary	Cut	0.01	--	0.01
40 (Fig 4-13)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Thunderbird Mine Pit	Permanent	Cut	0.02	--	--
41 (Fig 4-10, 4-12)	Shallow Marsh	Incidental (wet roadside ditch); drains to Thunderbird Mine Pit	Temporary	Cut	0.69	--	--
			Permanent	Fill	No Impact	--	--
43 (Fig 4-10, 4-12)	Shallow Marsh	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Fill	0.25	--	0.25
			Temporary	Cut	0.01	--	0.01

Table 3  
Wetland and Aquatic Resource Impact Summary

Basin ID <sup>1</sup> / Page in Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Aquatic Resource Impact Area (acres)	Wetland Impact Summary (acres) by Jurisdiction	
						WCA	USACE
44 (Fig 4-10, 4-12)	Shallow Marsh, Shallow Open Water	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Cut	0.32	0.32	0.32
			Temporary	Cut	0.10	0.10	0.10
45 (Fig 4-10)	Sedge Meadow	Drains to Manganika Lake	Temporary	Cut	0.01	0.01	0.01
47 (Fig 4-10)	Shrub-Carr	Drains to Manganika Lake	Temporary	Cut	0.002 (99 ft <sup>2</sup> )	0.002	0.002
48 (Fig 4-10)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Temporary	Cut	0.01	--	0.01
51 (Fig 4-10)	Shrub-Carr	Drains to Manganika Lake	Temporary	Cut	0.01	0.01	0.01
53 (Fig 4-6, 4-7, 4-10)	Fresh (Wet) Meadow, Shrub-Carr	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.10	0.10	0.10
54 (Fig 4-10)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Thunderbird Mine Pit	Temporary	Cut	0.05	--	--
55 (Fig 4-6)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Temporary	Cut	0.04	--	--
56 (Fig 4-6, 4-10)	Shrub-Carr	Incidental (wet roadside ditch); drains to Manganika Lake	Temporary	Cut	0.01	--	0.01
57 (Fig 4-4, 4-6)	Shrub-Carr, Shallow Marsh, Hardwood Swamp	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.16	0.16	0.16
58 (Fig 4-4)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Temporary	Cut	0.01	--	0.01

Table 3  
Wetland and Aquatic Resource Impact Summary

Basin ID <sup>1</sup> / Page in Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Aquatic Resource Impact Area (acres)	Wetland Impact Summary (acres) by Jurisdiction	
						WCA	USACE
59 (Fig 4-4)	Fresh (Wet) Meadow, Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.05	0.05	0.05
			Temporary	Fill	0.07	0.07	0.07
			Permanent	Fill	0.06	0.06	0.06
61 (Fig 4-4)	Shrub-Carr, Fresh (Wet) Meadow, Hardwood	Drains to Manganika Lake	Permanent	Fill	0.71	0.71	0.71
62 (Fig 4-4)	Shrub-Carr, Hardwood Swamp	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Fill	0.21	0.21	0.21
63 (Fig 4-4)	Shallow Marsh	Incidental (manmade excavation); isolated	Permanent	Fill	0.03	--	--
64 (Fig 4-4)	Shrub-Carr	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Fill	0.05	--	0.05
65 (Fig 4-4)	Shrub-Carr	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Fill	0.02	--	0.02
66 (Fig 4-1, 4-4)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Fill	0.09	--	0.09
			Permanent	Cut	0.08	--	0.08
67 (Fig 4-1)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Cut	0.03	--	0.03
68 (Fig 4-1)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Cut	0.01	--	0.01
69 (Fig 4-1)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Fill	0.07	--	0.07
70 (Fig 4-1)	Hardwood Swamp	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Cut	0.08	--	0.08
73 (Fig 4-1)	Shrub-Carr	Incidental (basin in old rail yard, surrounded by roads/trails); isolated	Permanent	Fill	0.04	--	--

Table 3  
Wetland and Aquatic Resource Impact Summary

Basin ID <sup>1</sup> / Page in Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Aquatic Resource Impact Area (acres)	Wetland Impact Summary (acres) by Jurisdiction	
						WCA	USACE
74 (Fig 4-1)	Shrub-Carr	Incidental (basin in old rail yard, surrounded by roads/trails); isolated	Permanent	Cut	0.08	--	--
75 (Fig 4-1)	Shrub-Carr	Incidental (basin in old rail yard, surrounded by roads/trails); isolated	Permanent	Fill	0.09	--	--
76 (Fig 4-1, 4-2)	Shrub-Carr, Hardwood Swamp	Incidental (basin in old rail yard, surrounded by roads/trails); drains to Rouchleau Pit	Permanent	Fill	0.38	0.38	--
Pit Pond 1 (Fig 4-7, 4-8, 4-11)	N/A (deep water non-wetland)	Non-wetland; drains to Rouchleau Pit	Permanent	Fill	1.38	--	--
Pit Pond 2 (Fig 4-5, 4-8)	N/A (deep water non-wetland)	Non-wetland; drains to Rouchleau Pit	Permanent	Fill	0.29	--	--
Rouchleau Pit (Fig 1)	N/A (deep water non-wetland)	Non-wetland; determined to be non-jurisdictional for CWA Section 404	Permanent	Fill	0.10	--	--
Total Temporary Impacts (acres)					1.58	0.75	0.58
Total Permanent Impacts (acres)					13.91	9.96	7.90
Grand Total Impacts (acres)					15.49	10.71	8.48

Table 3A  
Wetland and Aquatic Resource Impact Summary – USACE Jurisdiction Only

Basin ID <sup>1</sup> / Page in USACE Jurisdiction Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Wetland Impact Area (acres)
26 (Fig 4-11)	Fresh (Wet) Meadow	Drains to Manganika Lake	Permanent	Fill	0.29
27 (Fig 4-11)	Hardwood Swamp	Drains to Manganika Lake	Permanent	Fill	0.15
28 (Fig 4-10, 4-11)	Shrub-Carr	Drains to Manganika Lake	Permanent	Fill	2.11
			Temporary	Cut	0.03
29 (Fig 4-11)	Shrub-Carr	Drains to Manganika Lake	Permanent	Fill	0.40
34 (Fig 4-11)	Shallow Marsh	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Cut	0.07
35 (Fig 4-10, 4-11)	Fresh (Wet) Meadow	Drains to Manganika Lake	Permanent	Fill	1.39
36 (Fig 4-10, 4-12)	Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Fill	0.94
			Permanent	Cut	0.53
37 (Fig 4-12, 4-13)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Cut	0.04
			Temporary	Cut	0.01
43 (Fig 4-10, 4-12)	Shallow Marsh	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Fill	0.25
			Temporary	Cut	0.01

Table 3A  
Wetland and Aquatic Resource Impact Summary – USACE Jurisdiction Only

Basin ID <sup>1</sup> / Page in USACE Jurisdiction Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Wetland Impact Area (acres)
44 (Fig 4-10, 4-12)	Shallow Marsh, Shallow Open Water	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Cut	0.32
			Temporary	Cut	0.10
45 (Fig 4-10)	Sedge Meadow	Drains to Manganika Lake	Temporary	Cut	0.01
47 (Fig 4-10)	Shrub-Carr	Drains to Manganika Lake	Temporary	Cut	0.002 (99 ft <sup>2</sup> )
48 (Fig 4-10)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Temporary	Cut	0.01
51 (Fig 4-10)	Shrub-Carr	Drains to Manganika Lake	Temporary	Cut	0.01
53 (Fig 4-6, 4-7, 4-10)	Fresh (Wet) Meadow, Shrub-Carr	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.10
57 (Fig 4-4, 4-6)	Shrub-Carr, Shallow Marsh, Hardwood Swamp	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.16
58 (Fig 4-4)	Fresh (Wet) Meadow	Incidental (wet roadside ditch); drains to Manganika Lake	Temporary	Cut	0.01
59 (Fig 4-4)	Fresh (Wet) Meadow, Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.05
			Temporary	Fill	0.07
			Permanent	Fill	0.06
61 (Fig 4-4)	Shrub-Carr, Fresh (Wet) Meadow, Hardwood	Drains to Manganika Lake	Permanent	Fill	0.71
62 (Fig 4-4)	Shrub-Carr, Hardwood Swamp	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Fill	0.21

Table 3A  
Wetland and Aquatic Resource Impact Summary – USACE Jurisdiction Only

Basin ID <sup>1</sup> / Page in USACE Jurisdiction Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Wetland Impact Area (acres)
64 (Fig 4-4)	Shrub-Carr	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Fill	0.05
65 (Fig 4-4)	Shrub-Carr	Incidental (wet roadside ditch); drains to Manganika Lake	Permanent	Fill	0.02
66 (Fig 4-1, 4-4)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Fill	0.09
			Permanent	Cut	0.08
67 (Fig 4-1)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Cut	0.03
68 (Fig 4-1)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Cut	0.01
69 (Fig 4-1)	Shrub-Carr	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Fill	0.07
70 (Fig 4-1)	Hardwood Swamp	Incidental (linear basin in old rail yard); drains to Manganika Lake	Permanent	Cut	0.08
<b>Total Temporary Impacts (acres)</b>					<b>0.58</b>
<b>Total Permanent Impacts (acres)</b>					<b>7.90</b>
<b>Grand Total Impacts (acres)</b>					<b>8.48</b>

Table 3B  
Wetland and Aquatic Resource Impact Summary – WCA Jurisdiction Only

Basin ID <sup>1</sup> / Page in WCA Jurisdiction Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Wetland Impact Area (acres)
1 (Fig 4-2)	Shrub-Carr	Portions incidental (wet roadside ditch in part); drains to Rouchleau Pit	Permanent	Cut	0.28
3 (Fig 4-2, 4-3)	Shrub-Carr	Drains to Rouchleau Pit	Permanent	Cut	0.29
5 (Fig 4-3, 4-5)	Fresh (Wet) Meadow	Portions incidental (wet roadside ditch in part); drains to Rouchleau Pit	Temporary	Cut	0.002 (76 ft <sup>2</sup> )
6 (Fig 4-3)	Hardwood Swamp	Drains to Rouchleau Pit	Permanent	Cut	0.12
7 (Fig 4-3, 4-5)	Hardwood Swamp	Isolated	Permanent	Cut	0.02
8 (Fig 4-2, 4-3, 4-5)	Shrub-Carr	Drains to Rouchleau Pit	Permanent	Cut	0.65
			Temporary	Cut	0.22
18 (Fig 4-7, 4-8)	Fresh (Wet) Meadow, Shrub-Carr	Drains to Rouchleau Pit	Permanent	Fill	0.03
19 (Fig 4-7, 4-8, 4-11)	Shrub-Carr, Shallow Open Water, Shallow Marsh	Drains to Rouchleau Pit	Permanent	Fill	0.15
20 (Fig 4-11)	Shrub-Carr	Drains to Rouchleau Pit	Permanent	Fill	0.02
23 (Fig 4-8, 4-11)	Shrub-Carr, Hardwood Swamp, Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Rouchleau Pit	Permanent	Fill	0.20
			Permanent	Cut	0.71
24 (Fig 4-11)	Hardwood Swamp, Coniferous Swamp	Drains to Rouchleau Pit	Permanent	Cut	No Impact

Table 3B  
Wetland and Aquatic Resource Impact Summary – WCA Jurisdiction Only

Basin ID <sup>1</sup> / Page in WCA Jurisdiction Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Wetland Impact Area (acres)
26 (Fig 4-11)	Fresh (Wet) Meadow	Drains to Manganika Lake	Permanent	Fill	0.29
27 (Fig 4-11)	Hardwood Swamp	Drains to Manganika Lake	Permanent	Fill	0.15
28 (Fig 4-10, 4-11)	Shrub-Carr	Drains to Manganika Lake	Permanent	Fill	2.11
			Temporary	Cut	0.03
29 (Fig 4-11)	Shrub-Carr	Drains to Manganika Lake	Permanent	Fill	0.40
35 (Fig 4-10, 4-11)	Fresh (Wet) Meadow	Drains to Manganika Lake	Permanent	Fill	1.39
36 (Fig 4-10, 4-12)	Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Fill	0.94
			Permanent	Cut	0.53
44 (Fig 4-10, 4-12)	Shallow Marsh, Shallow Open Water	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Cut	0.32
			Temporary	Cut	0.10
45 (Fig 4-10)	Sedge Meadow	Drains to Manganika Lake	Temporary	Cut	0.01
47 (Fig 4-10)	Shrub-Carr	Drains to Manganika Lake	Temporary	Cut	0.002 (99 ft <sup>2</sup> )
51 (Fig 4-10)	Shrub-Carr	Drains to Manganika Lake	Temporary	Cut	0.01

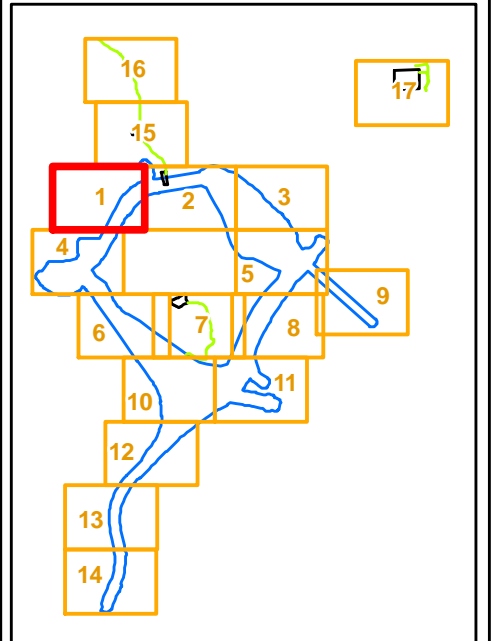
Table 3B  
Wetland and Aquatic Resource Impact Summary – WCA Jurisdiction Only

Basin ID <sup>1</sup> / Page in WCA Jurisdiction Mapbook (Figure 4-x)	Wetland Classification (Eggers and Reed)	Landscape Position <sup>2</sup>	Duration of Impact	Type of Impact	Wetland Impact Area (acres)
53 (Fig 4-6, 4-7, 4-10)	Fresh (Wet) Meadow, Shrub-Carr	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.10
57 (Fig 4-4, 4-6)	Shrub-Carr, Shallow Marsh, Hardwood Swamp	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.16
59 (Fig 4-4)	Fresh (Wet) Meadow, Shallow Marsh	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Temporary	Cut	0.05
			Temporary	Fill	0.07
			Permanent	Fill	0.06
61 (Fig 4-4)	Shrub-Carr, Fresh (Wet) Meadow,	Drains to Manganika Lake	Permanent	Fill	0.71
62 (Fig 4-4)	Shrub-Carr, Hardwood Swamp	Portions incidental (wet roadside ditch in part); drains to Manganika Lake	Permanent	Fill	0.21
76 (Fig 4-1, 4-2)	Shrub-Carr, Hardwood Swamp	Incidental (basin in old rail yard, surrounded by roads/trails); drains to Rouchleau Pit	Permanent	Fill	0.38
Total Temporary Impacts (acres)					0.75
Total Permanent Impacts (acres)					9.96
Grand Total Impacts (acres)					10.71

Path: S:\KOWM\1011306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



- Legend**
- Study Area (Area Delineated)
  - Existing Pipes/Culverts
  - Delineated Wetlands (April/May 2015)
- Construction Limits**
- Project Construction Limit
  - Removal Area Only - No Impacts
- Proposed Wetland Impacts**
- Permanent Impact



0 150 300  
Feet

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any



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Project: MNT01 130641  
Print Date: 8/20/2015

Map by: B. Tolcer  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

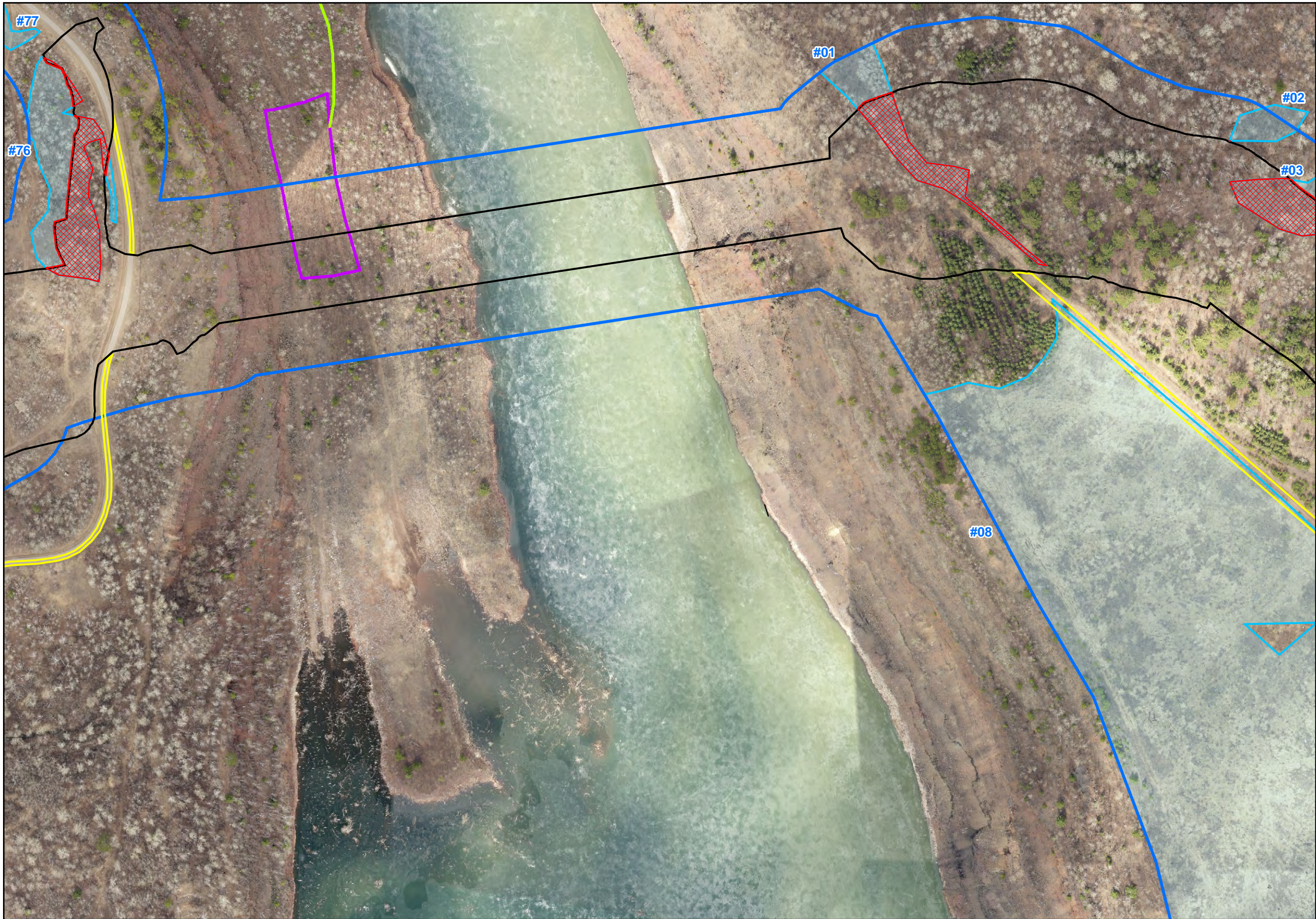
# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

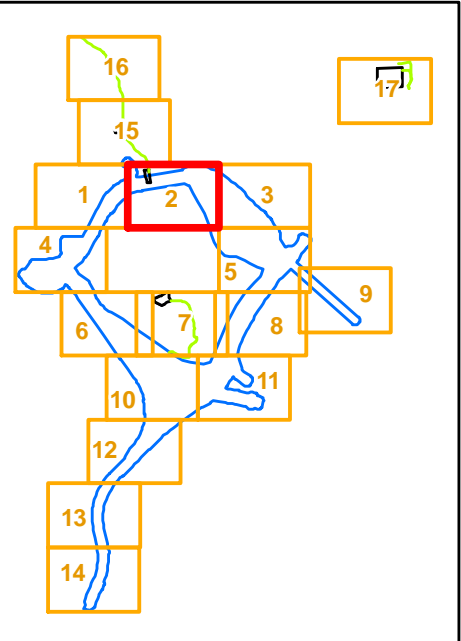
**Figure  
4-1**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



**Legend**

- Study Area (Area Delineated)
- Proposed Laydown Access
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Project Construction Limit
  - Removal Area Only - No Impacts
  - Proposed Laydown Areas
- Proposed Wetland Impacts**
  - Permanent Impact



0 150 300  
Feet

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Project: MNT01 130641  
Print Date: 8/20/2015

Map by: B. Tolcser  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota







**Wetland Impacts  
Maps**

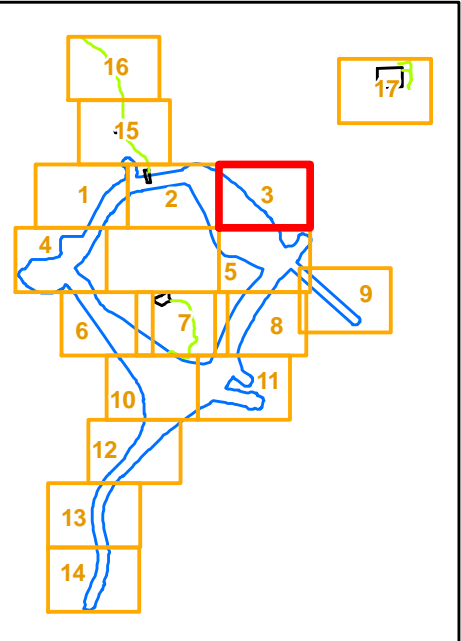
**Figure  
4-2**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



**Legend**

-  Study Area (Area Delineated)
-  Existing Pipes/Culverts
-  Delineated Wetlands (April/May 2015)
- Construction Limits**
  -  Project Construction Limit
  -  Removal Area Only - No Impacts
- Proposed Wetland Impacts**
  -  Permanent Impact



0 150 300  
Feet

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Print Date: 8/20/2015

Map by: B. Tolcser  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

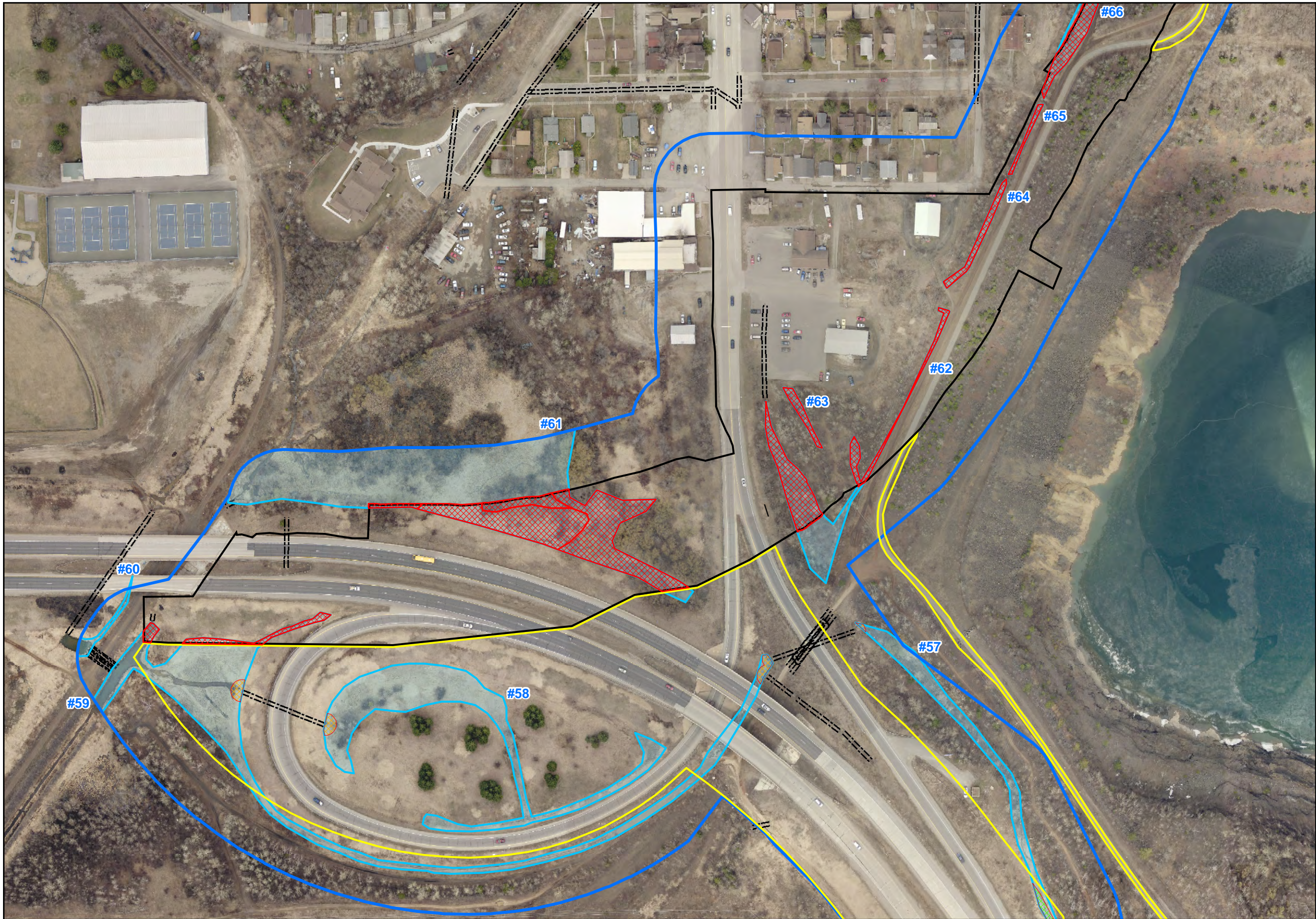
# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

**Figure  
4-3**

Path: S:\KOW\MMn011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_ImpactsMapbook\_TempSeparate\_2000.mxd



**Legend**

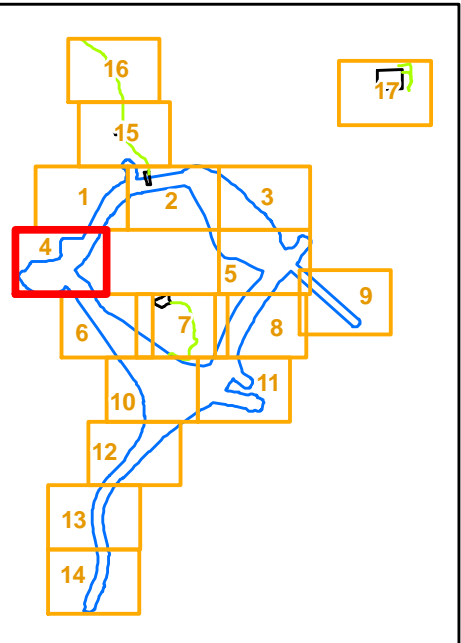
- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)

**Construction Limits**

- Project Construction Limit
- Removal Area Only - No Impacts

**Proposed Wetland Impacts**

- Permanent Impact
- Temporary Impact - Utility Removal
- Temporary Impact - Replace Culvert



0 150 300  
Feet

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Map by: B. Tolcser  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

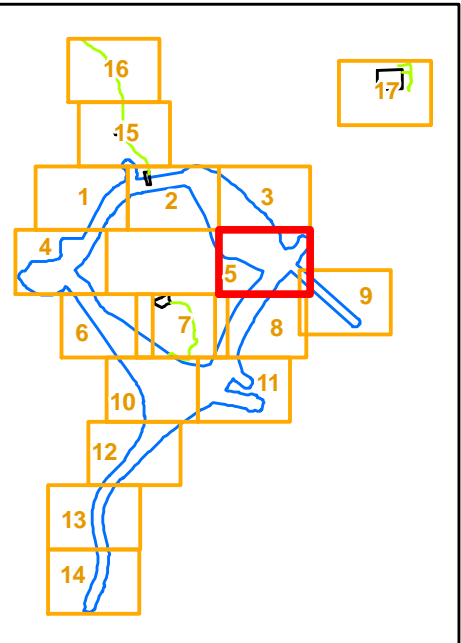
**Figure  
4-4**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



**Legend**

- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Project Construction Limit
  - Removal Area Only - No Impacts
- Proposed Wetland Impacts**
  - Permanent Impact
  - Permanent Impact (Non-Wetland Aquatic Resource)



0 150 300  
Feet

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Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

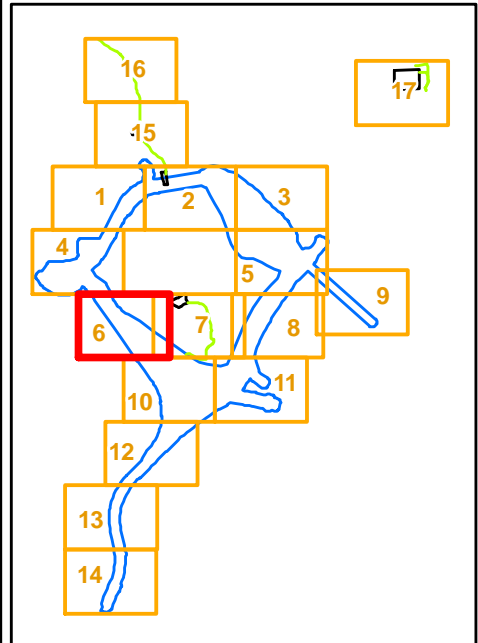
**Figure  
4-5**

Path: S:\KOWM\1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_TempSeparate\_2000.mxd



**Legend**

- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Removal Area Only - No Impacts
  - Proposed Laydown Areas
- Proposed Wetland Impacts**
  - Temporary Impact - Utility Removal
  - Temporary Impact - Replace Culvert
  - Temporary Impact - Culvert and Utility



0 150 300  
Feet

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Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

**Figure  
4-6**

Path: S:\KOWM\1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



**Legend**

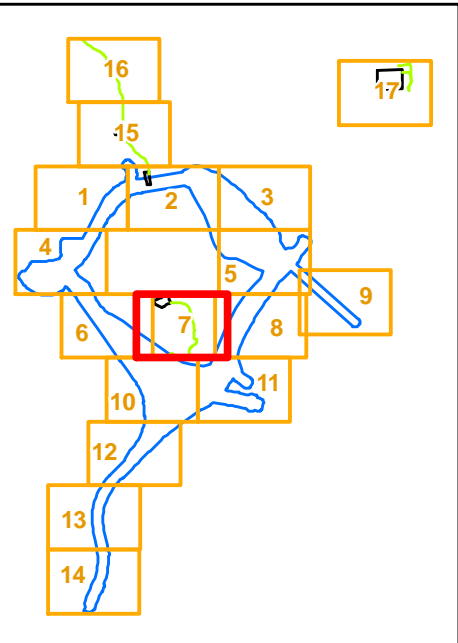
- Study Area (Area Delineated)
- Proposed Laydown Access
- Delineated Wetlands (April/May 2015)

**Construction Limits**

- Project Construction Limit
- Removal Area Only - No Impacts
- Proposed Laydown Areas

**Proposed Wetland Impacts**

- Permanent Impact
- Permanent Impact (Non-Wetland Aquatic Resource)
- Temporary Impact - Utility Removal



0 150 300  
Feet

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Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

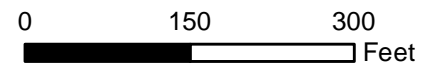
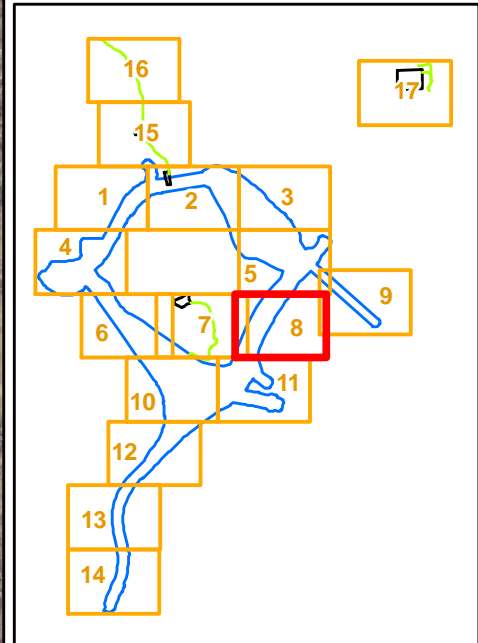
**Wetland Impacts  
Maps**

**Figure  
4-7**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



- Legend**
- Study Area (Area Delineated)
  - Existing Pipes/Culverts
  - Delineated Wetlands (April/May 2015)
- Construction Limits**
- Project Construction Limit
  - Removal Area Only - No Impacts
- Proposed Wetland Impacts**
- Permanent Impact
  - Permanent Impact (Non-Wetland Aquatic Resource)



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Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

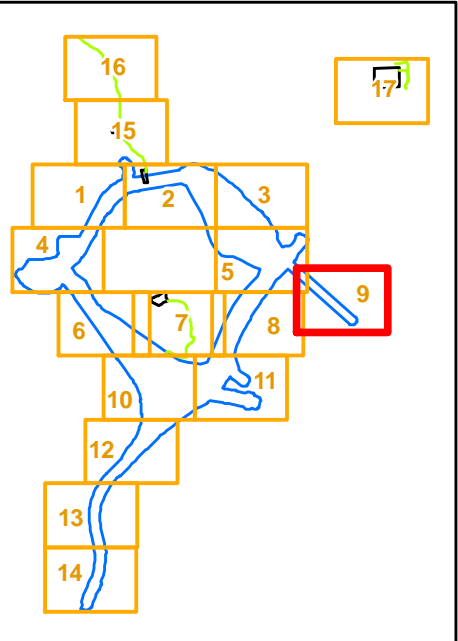
**Figure  
4-8**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



Legend

- Study Area (Area Delineated)
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Project Construction Limit
- Proposed Wetland Impacts**
  - Permanent Impact



0 150 300  
Feet

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Map by: B. Tolcser  
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Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

Wetland Impacts  
Maps

Figure  
4-9

Path: S:\KOW\Min01\1306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_ImpactsMapbook\_TempSeparate\_2000.mxd



#### Legend

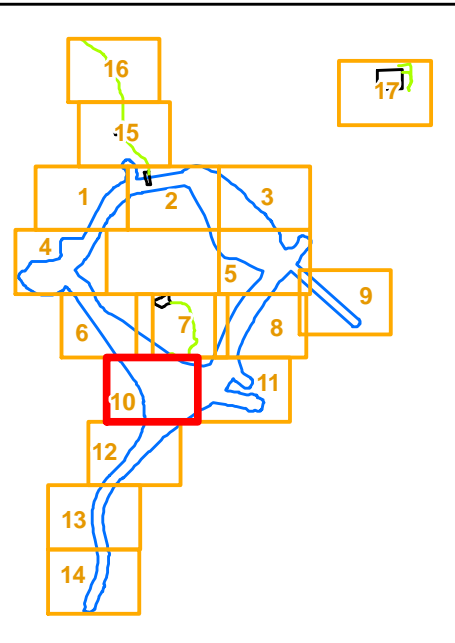
- Study Area (Area Delineated)
- Proposed Laydown Access
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)

#### Construction Limits

- Project Construction Limit
- Removal Area Only - No Impacts

#### Proposed Wetland Impacts

- Permanent Impact
- Temporary Impact - Utility Removal
- Temporary Impact - Replace Culvert



0 150 300  
Feet

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Source: MnDOT, SEHinc, KHA, MNDNR  
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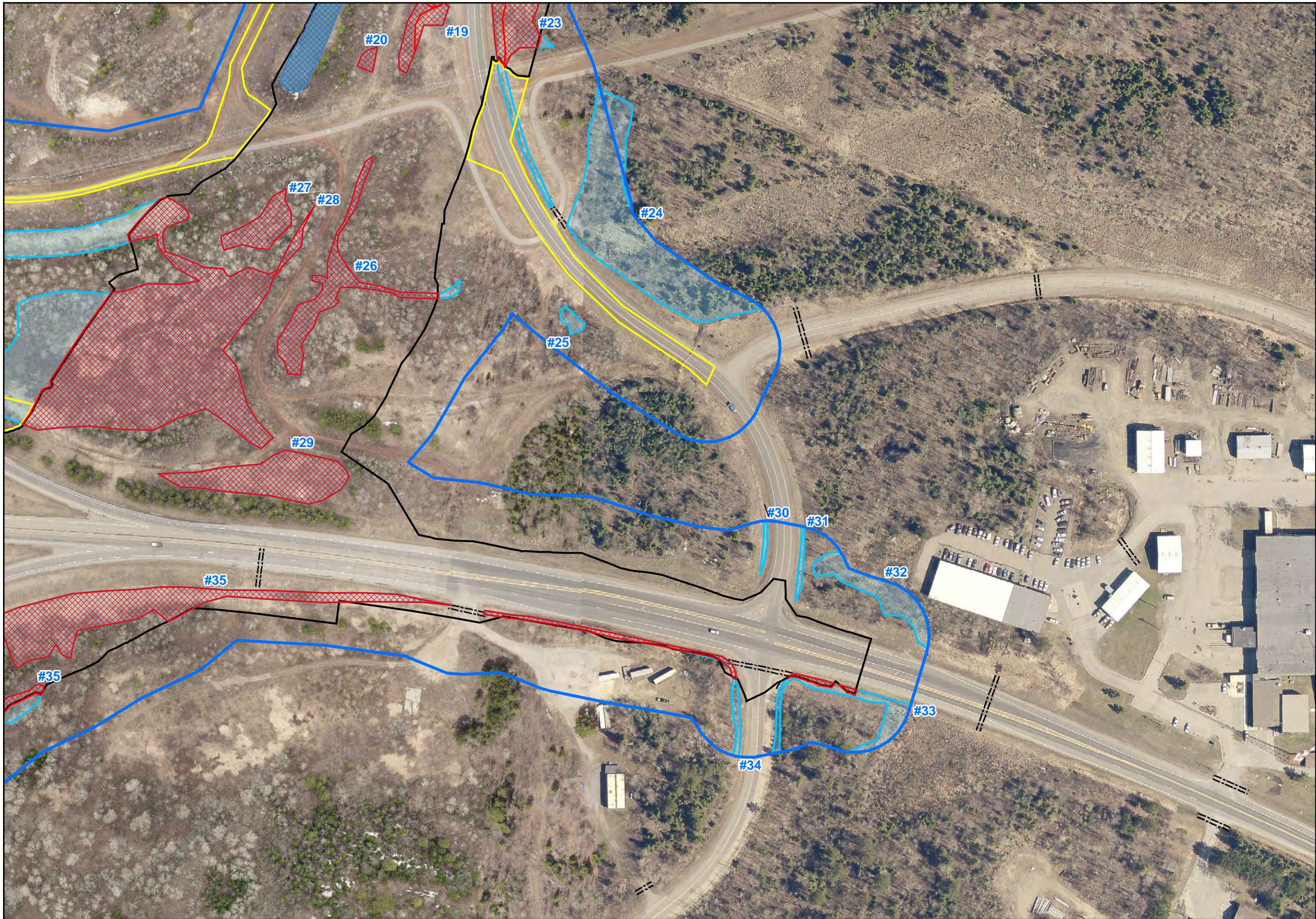
## TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

Wetland Impacts  
Maps

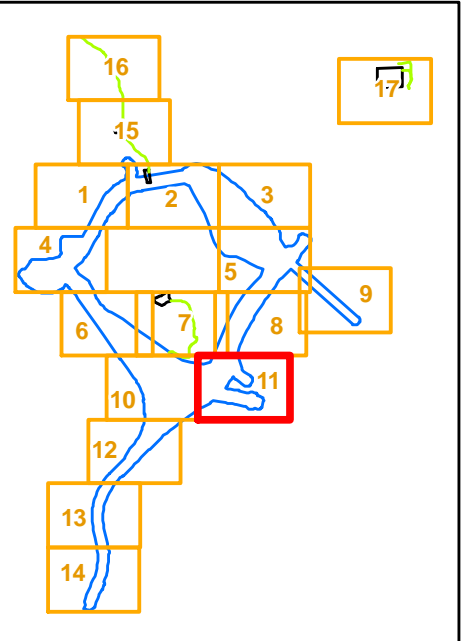
Figure  
4-10

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_TempSeparate\_2000.mxd



**Legend**

- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Project Construction Limit
  - Removal Area Only - No Impacts
- Proposed Wetland Impacts**
  - Permanent Impact
  - Permanent Impact (Non-Wetland Aquatic Resource)
  - Temporary Impact - Replace Culvert



0 150 300  
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Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

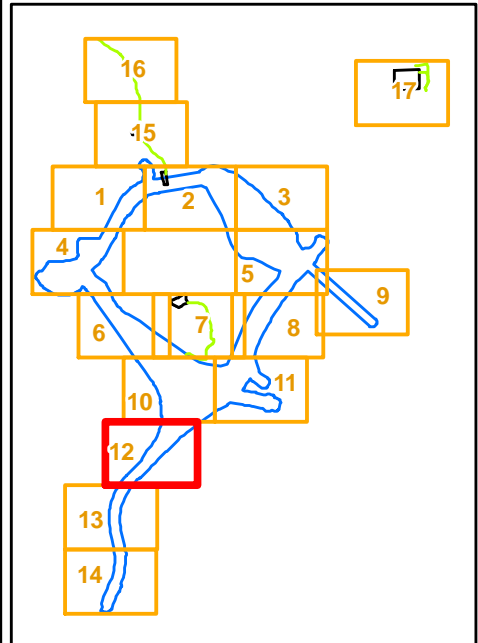
**Figure  
4-11**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_TempSeparate\_2000.mxd



**Legend**

- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Project Construction Limit
  - Removal Area Only - No Impacts
- Proposed Wetland Impacts**
  - Permanent Impact
  - Temporary Impact - Utility Removal
  - Temporary Impact - Replace Culvert



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# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

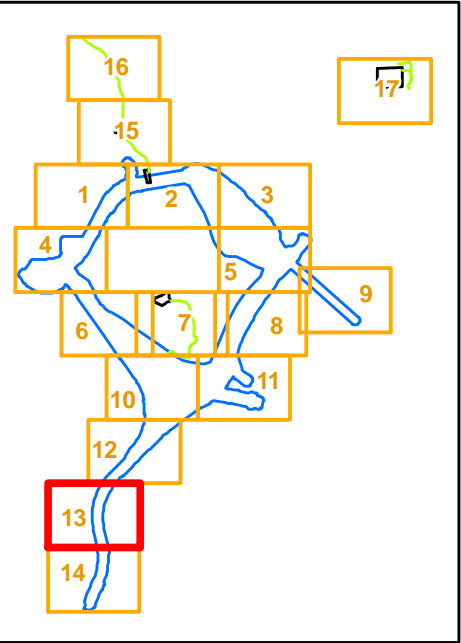
**Figure  
4-12**

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_TempSeparate\_2000.mxd



Legend

- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)
- Construction Limits**
  - Project Construction Limit
- Proposed Wetland Impacts**
  - Permanent Impact
  - Temporary Impact - Replace Culvert



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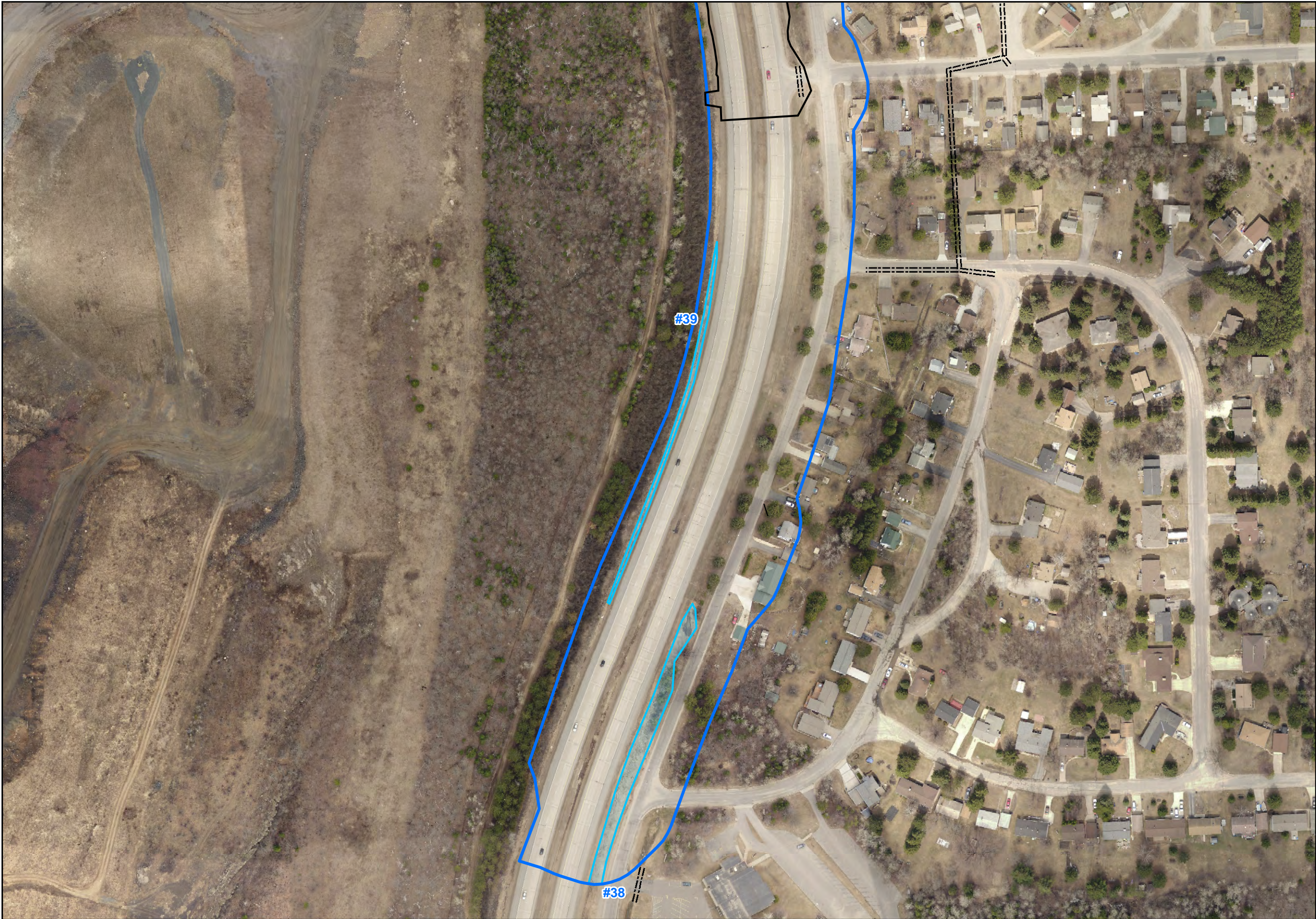
# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

Wetland Impacts  
Maps

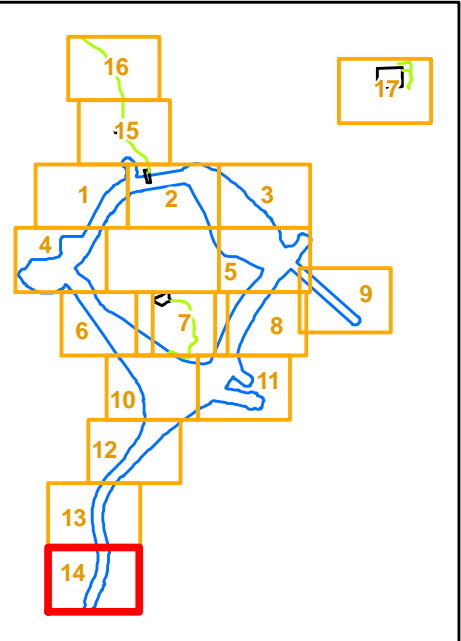
Figure  
4-13

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



**Legend**

- Study Area (Area Delineated)
- Existing Pipes/Culverts
- Delineated Wetlands (April/May 2015)
- Construction Limits**
- Project Construction Limit



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St. Louis County, Minnesota







**Wetland Impacts  
Maps**

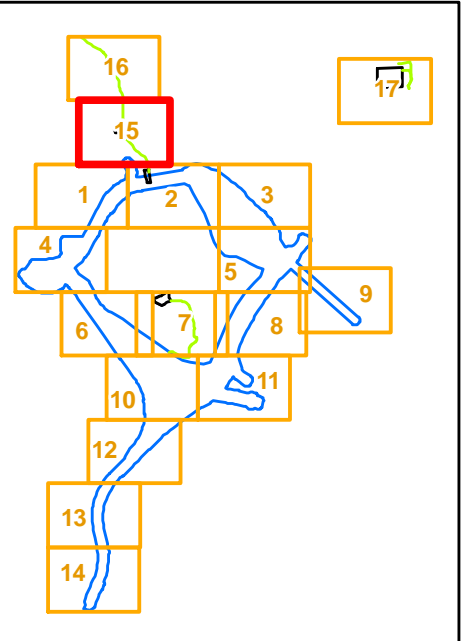
**Figure  
4-14**

Path: S:\KOWM\1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



Legend

-  Study Area (Area Delineated)
-  Proposed Laydown Access
-  Existing Pipes/Culverts
-  Delineated Wetlands (April/May 2015)
- Construction Limits**
-  Project Construction Limit
-  Proposed Laydown Areas



0 150 300  
Feet

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any



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ST. PAUL, MN 55110  
PHONE: (651) 490-2000  
FAX: (651) 490-2150  
WATTS: 800-325-2055  
www.sehinc.com

Project: MNT01 130641  
Print Date: 8/20/2015

Map by: B. Tolcser  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

Wetland Impacts  
Maps

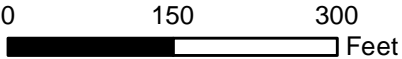
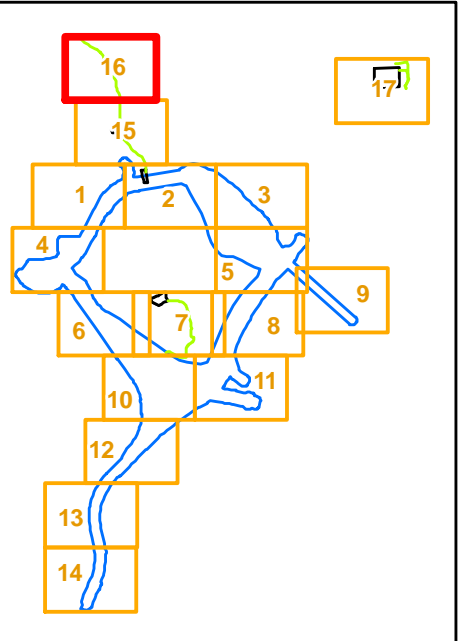
Figure  
4-15

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



Legend

Proposed Laydown Access



This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any



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Map by: B. Tolcser  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# TH 53 RELOCATION PROJECT

St. Louis County, Minnesota

Wetland Impacts  
Maps

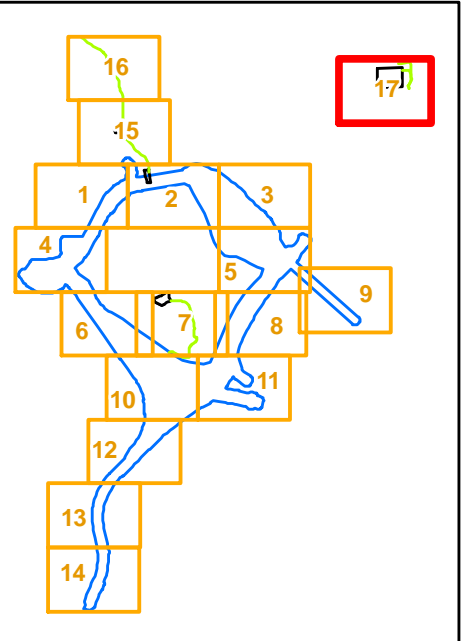
Figure  
4-16

Path: S:\KOW\Mn1011\306413-env-stud-reg\GIS\maps\Wetland\_Permit\_Final\Updates\Aug2015\Changes\Fig04\_Impacts\Mapbook\_Temp\Separate\_2000.mxd



**Legend**

- Proposed Laydown Access
- Delineated Wetlands (April/May 2015)
- Proposed Laydown Areas



0 150 300  
Feet

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any



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Project: MNT01 130641  
Print Date: 8/20/2015

Map by: B. Tolcser  
Projection: NAD83 UTM 15N  
Source: MnDOT, SEHinc, KHA, MNDNR  
Background: 2013 St. Louis Co.

# **TH 53 RELOCATION PROJECT**

St. Louis County, Minnesota

**Wetland Impacts  
Maps**

**Figure  
4-17**

**From:** [Allyz Kramer](#)  
**To:** [Allyz Kramer](#)  
**Subject:** TH 53 Relocation project in Virginia  
**Date:** 07/13/2015 02:01 PM

---

From: "Straumanis, Sarma (DOT)" <sarma.straumanis@state.mn.us>  
To: "Clarkowski, Lynn (DOT)" <lynn.clarkowski@state.mn.us>, "Dodds, Bryan (DOT)" <bryan.dodds@state.mn.us>,  
Cc: "Huston, Patrick (DOT)" <patrick.huston@state.mn.us>, "Ege, Robert (DOT)" <robert.ege@state.mn.us>, "Allyz Kramer (akramer@sehinc.com)" <akramer@sehinc.com>  
Date: 07/09/2015 03:24 PM  
Subject: FW: TH 53 Relocation project in Virginia

---

FYI

**From:** Straumanis, Sarma (DOT)  
**Sent:** Thursday, July 09, 2015 3:22 PM  
**To:** Engstrom, Jennifer N (DNR)  
**Cc:** Allen, Colleen (DNR); Lewis, Kathy A (DNR); Clevenstine, Peter T (DNR)  
**Subject:** RE: TH 53 Relocation project in Virginia

Jennifer,

I very much appreciate your quick response during this busy 4th of July holiday period. I will continue to cross-copy TEP member Jessica Van Duyn with my WCA notices/notifications and also include the two other LGUs (represented by Colleen Allen and by Bill Hennis).

Thanks!

**From:** Engstrom, Jennifer N (DNR)  
**Sent:** Thursday, July 09, 2015 1:50 PM  
**To:** Straumanis, Sarma (DOT)  
**Cc:** Allen, Colleen (DNR); Lewis, Kathy A (DNR); Clevenstine, Peter T (DNR)  
**Subject:** FW: TH 53 Relocation project in Virginia

Hi Sarma,

We have reviewed the information that you sent to us regarding the TH 53 relocation project. We have determined that we do not have jurisdiction for this project under the following sections of WCA rules:

8420.0200 Subpart D - This is a highway project that does not require a Permit to Mine.

8420.0200 Subpart F - You have provided documentation that MNDOT has jurisdiction over a majority of the wetland impacts. MNDOT will also be obtaining an easement from the DNR for state

owned land where TH 53 will be located.

Therefore, we agree that it is appropriate that MNDOT fulfills the Wetland Conservation Act LGU duties for this project.

We do appreciate continued interaction with the project as it is, as you are aware, in close proximity to a currently permitted facility likely to request a permit to mine amendment for expansion in the near future.

If you have any questions or would like to discuss any aspect of the project, please let me know.

Thanks,

Jennifer

Jennifer Engstrom  
Mineland Reclamation Section Manager  
Division of Lands and Minerals  
Minnesota Department of Natural Resources  
500 Lafayette Rod, Box 45  
St. Paul, MN 55155-4045  
Office: 651-259-5385  
Email: [jennifer.engstrom@state.mn.us](mailto:jennifer.engstrom@state.mn.us)

**From:** Allen, Colleen (DNR)  
**Sent:** Monday, June 29, 2015 8:26 AM  
**To:** Engstrom, Jennifer N (DNR)  
**Cc:** Jordan, Julie E (DNR); Oberhelman, Rory (DNR)  
**Subject:** FW: TH 53 Relocation project in Virginia

FYI

**From:** Straumanis, Sarma (DOT)  
**Sent:** Sunday, June 28, 2015 5:19 PM  
**To:** Allen, Colleen (DNR)  
**Subject:** TH 53 Relocation project in Virginia

Hi Colleen,

It's taken some more time, but I wanted to assemble as much information as I could for you to share with staff in your Division. I have attached:

- 1 – Instructions for the link to SEH's temporary FTP site that containing the final wetland delineation report & cover letter (Word file)
- 2 – meeting minutes for the April 28<sup>th</sup> and June 3<sup>rd</sup> TEP field reviews (pdf)
- 3 – an ownership map of the project area (pdf)
- 4 – email from SEH, Inc. re the acreage breakdown by ownership (pdf) Unfortunately there's a problem with the table that was imbedded in the email and I'll ask for a better copy on Monday.
- 5 – WCA Sequencing Decision (pdf)
- 6 – MnDOT letter to City of Virginia (Bill Hennis) regarding MnDOT's WCA responsibilities (pdf)

History of actions so far:

MnDOT approved a WCA Sequencing Application in May 2015 (see attached pdf). Normally we wouldn't process a stand-alone Sequencing Application, but we felt it was needed to mirror the parallel Corps point of concurrence in the federal process. The selection of the preferred alternative was based on a level 1 delineation.

A wetland delineation report (using a level 2 delineation with field work done in April) , was prepared by SEH, Inc. Field reviews were held May 28<sup>th</sup> and June 3<sup>rd</sup> (two days were used to accommodate people's busy schedules). The Corps has since approved the wetland delineation report.

The WCA Wetland Boundary & Type and Replacement Plan applications are pending while consensus is reached regarding MnDOT's role as WCA LGU. The City of Virginia (the local LGU for City and RGGS mining company property) is in agreement that MnDOT undertake WCA Administrative responsibilities on its behalf (see attached letter to Bill Hennis, as pdf).

Regarding wetland replacement, the applicant (MnDOT Duluth District) will propose to use wetland bank credits from the U of M Fens site in St. Louis County.

Let me know if you are interested in additional information (a revised ownership breakdown table is forthcoming ASAP).

Thanks!



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## TRANSMITTAL

To: Ms. Sarma Straumanis  
Wetland Program Coordinator  
Minnesota Department of Transportation  
Office of Environmental Stewardship  
395 John Ireland Blvd., MS 620  
St. Paul, MN 55155

Date: March 3, 2015

SEH File No.: MNT01 130641 30.90

State Project No.: 6918-80

Re: TH53 Relocation Project Wetland Permit Application

We are:

☒ Enclosing ☐ Sending under separate cover ☐ Sending as requested

One (1) printed copy of the Wetland Permit Application and supplemental materials for the TH53 Relocation Project.  
Three (3) copies of the Permit Application (CD format) are for your distribution to members of the WCA TEP.

For your:

☐ Information/Records ☐ Review and comment ☒ Approval  
☒ Action ☐ Distribution ☐ Revision and resubmittal

Remarks:

Please direct questions or comments to Shelly Micke, District 1 Environmental Coordinator (218.725.2758 or [michele.micke@state.mn.us](mailto:michele.micke@state.mn.us)) or me at 218.279.3011 / [akramer@sehinc.com](mailto:akramer@sehinc.com).

Thank you for your attention to this permit request.

By: Allyz Kramer, SEH Sr. Biologist | Project Manager

C: Shelly Micke, MnDOT District 1 Environmental Coordinator (one hard copy, one CD copy)  
Daryl Wierzbinski, USACE (one hard copy, one CD copy)  
File  
mh



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## TRANSMITTAL

To: Sarma Straumanis  
MnDOT OES  
395 John Ireland Blvd.  
Mail Stop 620  
St. Paul, MN 55155-1899

Date: June 29, 2015

SEH File No.: MNT01 130641 14.00

Client No.: \_\_\_\_\_

RE: TH 53 Relocation Project - Compensatory Mitigation & Replacement Plan Application

We are:

☒ Enclosing ☐ Sending under separate cover ☐ Sending as requested

1 printed copy + 1 CD copy of the TH 53 Relocation Project Replacement Plan Application

1 unbound copy of the Joint Application Form, which has been signed by MnDOT District 1 staff

6 CD copies of the Replacement Plan Application for your distribution to members of the WCA TEP

For your:

☒ Information/Records ☐ Review and comment ☐ Approval  
☐ Action ☐ Distribution ☐ Revision and resubmittal

Remarks:

If you have any questions regarding this report or the overall project, please contact me directly at 218.279.3011 or via e-mail at [akramer@sehinc.com](mailto:akramer@sehinc.com).

You may also contact the MnDOT Project Representatives, as follows:

Rob Ege – TH 53 Design Engineer (Applicant)  
218.725.2788  
[Robert.Ege@state.mn.us](mailto:Robert.Ege@state.mn.us)

Pat Huston, PE – TH 53 Project Director  
218.725.2707  
[Patrick.Huston@state.mn.us](mailto:Patrick.Huston@state.mn.us)

Thank you.

By: Allyz Kramer, PWS, CWD | Project Manager (Applicant's Agent)

C: Rob Ege (Applicant) – MnDOT District 1 (print copy + CD)  
File

ak

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07.13



Minnesota Department of Transportation

395 John Ireland Boulevard  
Saint Paul, MN 55155

Date: June 26, 2016

Bill Hennis  
Engineering Lead - WCA Administrator  
City of Virginia  
327 1<sup>st</sup> Street South  
Virginia, MN 55792

RE: MnDOT TH 53 Relocation Project within the City of Virginia (SP 6919-80)

Dear Bill:

Thank you for participating in the June 3, 2015 Wetland Conservation Act (WCA) Technical Evaluation Panel's (TEP) field review of the wetland boundaries and types as delineation by Short Elliot Hendrickson Inc. As discussed at the field review, although MnDOT does not currently own the right of way on which the project will be built, MnDOT will have ownership at the time of construction. It is MnDOT's standard approach in such cases, to coordinate with the WCA Local Government Unit (LGU) and come to agreement that MnDOT will assume WCA Administrative responsibilities for the project, even prior to owning the right of way, in order to maintain consistency and lessen confusion.

I am requesting your concurrence that in the WCA Rule, Chapter 8420.0200, Subpart F (second sentence) is the provision that prevails. I have included the pertinent Chapter 8420 references and a concurrence line for your signature on the next page.

Sincerely,

Sarma Straumanis  
MnDOT WCA Representative  
Office of Environmental Stewardship

cc: Pat Huston, TH 53 Relocation Project Manager, District 1  
John Tourville, City Administrator

An Equal Opportunity Employer



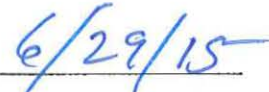
*Chapter 8420.0200, Subp. C - For activities on state land -- the LGU is the state agency with administrative responsibility for that land. State must coordinate with the LGU that would otherwise have jurisdiction, according to items A and B, when conducting or making decisions on activities in wetlands.*

*Chapter 8420.0200, Sub. F - If the activity is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or, if both have zoning authority, the one in which most of the wetland impacts will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland impacts will occur. If an activity will affect wetlands in more than one local government unit, the board may coordinate the project review to ensure consistency and consensus among the local government units involved. Local government units may maintain separate jurisdiction if mutually agreed upon.*

It is agreed by MnDOT and the City of Virginia that MnDOT will assume WCA Administrative responsibilities for the TH 53 Relocate project (SP 6919-80).

I concur:

  
\_\_\_\_\_  
Bill Hennis,  
Engineering Lead – WCA Administrator, City of Virginia

  
\_\_\_\_\_  
Date

# Minnesota Wetland Conservation Act

## Notice of Application

Local Government Unit (LGU) <b>Minnesota Department of Transportation Office of Environmental Services</b>	Address <b>395 John Ireland Blvd Mailstop 620 St. Paul, MN 55155-1899</b>
---	--

### 1. PROJECT INFORMATION

Applicant Name <b>MnDOT Duluth District (Rob Ege)</b>	Project Name <b>TH 53Relocate SP 6918-80</b>	Application dated <b>March 03, 2015</b>	Application No. <b>S.P. 6918-80</b>
--	---	--	--

Type of Application:

<input type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input checked="" type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Summary and description of proposed project:

The purpose of the project is to provide a new corridor for TH 53 from approximately the junction of TH 53 & TH 135 (northeast of the Midway Neighborhood) to the junction of TH 53 and S. 2<sup>nd</sup> Avenue. The existing section of TH 53 between these two points lies on top of an unmined piece of land that is scheduled to be mined in the near future. The project is shown on "Figure 1 Project Overview Map" in the Wetland Permit Application.

Two no-build alternatives and three build alternatives were evaluated in the draft EIS (which was published December 2014).

A level 1 wetland delineation was completed in 2012 for development of the DEIS.

A level 2 wetland delineation will be conducted in May 2015.

A WCA Replacement Plan will be processed after the completion of the level 2 wetland delineation.

Technical Evaluation Panel Review:

A TEP meeting will be convened if the TEP members are interested in meeting to discuss the project's sequencing, wetland boundary/type and/or Replacement Plan.

## 2. APPLICATION REVIEW AND DECISION

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 3 provides notice that an application was made to the LGU under the Wetland Conservation Act as specified above. A copy of the application is attached. Comments can be submitted to:

Name and Title of LGU Contact Person <b>Sarma Straumanis</b> <b>Wetland Program Coordinator</b>	Comments must be received by (minimum 15 business-day comment period): <b>April 30, 2015</b>
Address (if different than LGU)	Anticipated date of decision: <b>May, 2015</b>
Phone Number and E-mail Address <b>651-366-3626</b> <b>sarma.straumanis@state.mn.us</b>	Decision-maker for this application: <input type="checkbox"/> Staff: Mn/DOT Chief Env Officer <input checked="" type="checkbox"/> Staff: Mn/DOT WCA LGU Official

Signature: Sarma Straumanis Date: March 29, 2015

## 3. LIST OF ADDRESSEES

<input type="checkbox"/> SWCD TEP member: [position currently vacant]
<input checked="" type="checkbox"/> BWSR TEP member: Lynda Peterson
<input checked="" type="checkbox"/> DNR TEP member: Martha Minchak
<input checked="" type="checkbox"/> Local LGU member: William Hennis (City of Virginia) <u>hennisb@virginiamn.us</u>
<input checked="" type="checkbox"/> Corps of Engineers Project Manager: Daryl Wierzbinski
<input checked="" type="checkbox"/> MnDOT: Rob Ege
<input checked="" type="checkbox"/> MnDOT consultant: Allyz Kramer (SEH, Inc.)

#### 4. ATTACHMENTS

Hard copies of the March 03, 2015 application are in disk format and will be sent via U.S. Mail

Lynda Peterson

BWSR

394 South Lake Ave, Room 403

Duluth, MN 55802

Martha Minchak

DNR

4805 Rice Lake Rd

Duluth, MN 55803

William Hennis

City of Virginia

327 First Street So.

Virginia, MN 55790

Daryl Wierzbinski (WCA Notice only)

Rob Ege (WCA Notice only)

Allyz Kramer (WCA Notice only)

# Minnesota Wetland Conservation Act

## Notice of Application

Local Government Unit (LGU) <b>Minnesota Department of Transportation Office of Environmental Services</b>	Address <b>395 John Ireland Blvd Mailstop 620 St. Paul, MN 55155-1899</b>
---	--

### 1. PROJECT INFORMATION

Applicant Name <b>MnDOT Duluth District (Rob Ege)</b>	Project Name <b>TH 53 Relocate SP 6918-80</b>	Corps application dated June 29, 2015	Application No. <b>S.P. 6918-80</b>
--	--	--	--

Type of Application:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input checked="" type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption
<input type="checkbox"/> Sequencing	<input checked="" type="checkbox"/> Replacement Plan	

Summary and description of proposed project:

The purpose of the project is to provide a new corridor for TH 53 from approximately the junction of TH 53 & TH 135 (northeast of the Midway Neighborhood) to the junction of TH 53 and S. 2<sup>nd</sup> Avenue. The existing section of TH 53 between these two points lies on top of an unmined piece of land that is scheduled to be mined in the near future.

The WCA Sequencing Application was distributed March 29<sup>th</sup> 2015 and the Approval Decision was distributed in May 5<sup>th</sup>, 2015.

A level 2 wetland delineation was conducted in May 2015 and field reviewed on May 28<sup>th</sup> (with Corps PM and BWSR rep) and June 3<sup>rd</sup> (MnDOT LGU rep and City of Virginia rep). The final wetland delineation report was published June 19<sup>th</sup> (see Appendices A1 and A2).

The Wetland Replacement Plan (labeled Vol. II) is dated June 29, 2015. The project proposes to impact 9.77 acres of wetland that are under WCA jurisdiction.

## 2. APPLICATION REVIEW AND DECISION

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 3 provides notice that an application was made to the LGU under the Wetland Conservation Act as specified above. A copy of the application is attached. Comments can be submitted to:

Name and Title of LGU Contact Person <b>Sarma Straumanis</b> <b>Wetland Program Coordinator</b>	Comments must be received by (minimum 15 business-day comment period): <b>September 01, 2015</b>
Address (if different than LGU)	Anticipated date of decision: <b>September, 2015</b>
Phone Number and E-mail Address <b>651-366-3626</b> <b><u>sarma.straumanis@state.mn.us</u></b>	Decision-maker for this application: <input checked="" type="checkbox"/> Staff: Mn/DOT Chief Env Officer <input type="checkbox"/> Staff: Mn/DOT WCA LGU Official

Signature: Sarma Straumann Date: 07-10-2015

## 3. LIST OF ADDRESSEES

<input type="checkbox"/> SWCD TEP member: Jared Ecklund
<input checked="" type="checkbox"/> BWSR TEP member: Lynda Peterson
<input checked="" type="checkbox"/> DNR TEP member: Jessica VanDuyn
<input checked="" type="checkbox"/> Local LGU member: William Hennis (City of Virginia) <u>hennisb@virginiamn.us</u>
<input checked="" type="checkbox"/> Local LGU member: Colleen Allen (DNR Lands and Minerals)
<input checked="" type="checkbox"/> Corps of Engineers Project Manager: Daryl Wierzbinski
<input checked="" type="checkbox"/> MnDOT: Rob Ege
<input checked="" type="checkbox"/> MnDOT consultant: Allyz Kramer (SEH, Inc.)

## 4. ATTACHMENTS

Hard copies of the application are in disk format and will be sent via U.S. Mail.

Lynda Peterson  
BWSR  
394 South Lake Ave, Room 403  
Duluth, MN 55802

Jared Ecklund  
St. Louis North SWCD  
230 First ST South Suite 104B  
Virginia, MN 55792

Martha Minchak  
DNR  
4805 Rice Lake Rd  
Duluth, MN 55803

Colleen Allen  
DNR Lands and Minerals  
500 Lafayette Rd  
St. Paul, MN 55155-4040

William Hennis  
City of Virginia  
327 First Street So.  
Virginia, MN 55790

Daryl Wierzbinski (WCA Notice only)

Rob Ege (WCA Notice only)

Allyz Kramer (WCA Notice only)

# +Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Minnesota Department of Transportation Office of Environmental Stewardship</b>	Address Mailstop 620 <b>395 John Ireland Blvd St. Paul, MN 55155-1899</b>
--	---

### 1. PROJECT INFORMATION

Applicant Name <b>MnDOT Duluth District</b>	Project Name <b>TH 53 Relocate SP 6918-80</b>	Date Application Notice distributed: <b>March 29, 2015</b>	Application No. <b>6918-80</b>
<input type="checkbox"/> Attach site locator map.			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input checked="" type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
---	--	-------------------------------

TEP members (BWSR and MnDOT) met via conference call with SEH, Inc. staff (consultants preparing the WCA approval and Corps permit material) on April 24, 2015. No DNR waters will be affected by this project. The St. Louis North WCA representative position was vacant at the time, however, when the position is filled, the staff person will be asked to participate in TEP interactions.

The WCA Sequencing and NEPA Sequencing decisions were made based on a level 1 wetland delineation (which is standard SOP for EIS level projects).

**\*\*Note that WCA Wetland Boundary & Type, No Loss and Replacement Plan applications and decisions have yet to be processed.**

The next TEP meeting will be later this spring when Level 2 delineations have been done for the project.

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: May 05, 2015		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above.

Name <b>Sarma Straumanis</b>	Title <b>MnDOT WCA LGU representative</b>	
Signature <i>Sarma Straumann</i>	Date <b>May 05, 2015</b>	Phone Number and E-mail <b>651-366-3626 Sarma.straumanis@state.mn.us</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

---

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, within thirty (30) calendar days of the date of the mailing of this Notice to the:

Executive Director  
Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, MN 55155

### 4. LIST OF ADDRESSEES

- ☐ SWCD TEP member: position vacant
- ☒ BWSR TEP member: Lynda Peterson
- ☒ DNR TEP member: Jessica Van Duyn
  
- ☒ Corps of Engineers Project Manager – Daryl Wierzbinski
- ☒ Mankato District: Dave Mohar

**From:** [Straumanis, Sarma \(DOT\)](#)  
**To:** [Peterson, Lynda \(BWSR\)](#); [jared@nslswcd.org](mailto:jared@nslswcd.org); [VanDuyn, Jessica \(DNR\)](#)  
**Cc:** [Allen, Colleen \(DNR\)](#); [hennisb@virginiamn.us](mailto:hennisb@virginiamn.us); [Daryl.W.Wierzbinski@usace.army.mil](mailto:Daryl.W.Wierzbinski@usace.army.mil); [Ege, Robert \(DOT\)](#); [Allyz Kramer \(akramer@sehinc.com\)](#)  
**Subject:** TH 53 relocate SP 6918-80 WCA WB&T and RP Application Notice  
**Date:** 07/10/2015 02:52 PM  
**Attachments:** [TH 53 relocate WCA WB&T and RP Application Notice.pdf](#)  
[TH 53 relocate joint applic pp 1-7.pdf](#)

---

Hi All,

I have attached the WCA Notice as well as the 1<sup>st</sup> 7 pages of the application. The whole document: "Wetland permit Application Volume II: Replacement Plan" is being sent to some of you as a CD (via U.S. Mail).

The comment period ends September 4 01, 2015.

Thanks!



## Minnesota Department of Transportation

395 John Ireland Boulevard  
Saint Paul, MN 55155

Date: June 26, 2016

Bill Hennis  
Engineering Lead - WCA Administrator  
City of Virginia  
327 1<sup>st</sup> Street South  
Virginia, MN 55792

RE: MnDOT TH 53 Relocation Project within the City of Virginia (SP 6919-80)

Dear Bill:

Thank you for participating in the June 3, 2015 Wetland Conservation Act (WCA) Technical Evaluation Panel's (TEP) field review of the wetland boundaries and types as delineation by Short Elliot Hendrickson Inc. As discussed at the field review, although MnDOT does not currently own the right of way on which the project will be built, MnDOT will have ownership at the time of construction. It is MnDOT's standard approach in such cases, to coordinate with the WCA Local Government Unit (LGU) and come to agreement that MnDOT will assume WCA Administrative responsibilities for the project, even prior to owning the right of way, in order to maintain consistency and lessen confusion.

I am requesting your concurrence that in the WCA Rule, Chapter 8420.0200, Subpart F (second sentence) is the provision that prevails. I have included the pertinent Chapter 8420 references and a concurrence line for your signature on the next page.

Sincerely,

Sarma Straumanis  
MnDOT WCA Representative  
Office of Environmental Stewardship

cc: Pat Huston, TH 53 Relocation Project Manager, District 1  
John Tourville, City Administrator

An Equal Opportunity Employer



*Chapter 8420.0200, Subp. C - For activities on state land -- the LGU is the state agency with administrative responsibility for that land. State must coordinate with the LGU that would otherwise have jurisdiction, according to items A and B, when conducting or making decisions on activities in wetlands.*

*Chapter 8420.0200, Sub. F - If the activity is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or, if both have zoning authority, the one in which most of the wetland impacts will occur. **If no zoning permits are required, the local government unit is the one in which most of the wetland impacts will occur.** If an activity will affect wetlands in more than one local government unit, the board may coordinate the project review to ensure consistency and consensus among the local government units involved. Local government units may maintain separate jurisdiction if mutually agreed upon.*

It is agreed by MnDOT and the City of Virginia that MnDOT will assume WCA Administrative responsibilities for the TH 53 Relocate project (SP 6919-80).

I concur:

---

Bill Hennis,  
Engineering Lead – WCA Administrator, City of Virginia

---

Date



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## TRANSMITTAL

To: Daryl Wierzbinski  
Lead Project Manager  
USACE  
600 Lake Avenue South, Ste. 211  
Duluth, MN 55802

Date: March 3, 2015  
SEH File No.: MNT01 130641 30.90  
State Project No.: 6918-80

Re: TH53 Relocation Project Technical Memorandum

We are:

☒ Enclosing ☐ Sending under separate cover ☐ Sending as requested  
One (1) printed copy of the Jurisdictional Determination Technical Memorandum for the TH53 Relocation Project.

For your:

☐ Information/Records ☐ Review and comment ☒ Approval  
☒ Action ☐ Distribution ☐ Revision and resubmittal

Remarks:

Please direct questions or comments to Shelly Micke, District 1 Environmental Coordinator (218.725.2758 or [michele.micke@state.mn.us](mailto:michele.micke@state.mn.us)) or me at 218.279.3011 / [akramer@sehinc.com](mailto:akramer@sehinc.com).

Thank you for your attention to this permit request.

By: Allyz Kramer, SEH Sr. Biologist | Project Manager

C: Shelly Micke, MnDOT District 1 Environmental Coordinator (one hard copy)  
Sarma Straumanis, MnDOT Wetland Permit Coordinator (one hard copy)  
File  
mh



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## TRANSMITTAL

To: Ms. Sarma Straumanis  
Wetland Program Coordinator  
Minnesota Department of Transportation  
Office of Environmental Stewardship  
395 John Ireland Blvd., MS 620  
St. Paul, MN 55155

Date: March 3, 2015

SEH File No.: MNT01 130641 30.90

State Project No.: 6918-80

Re: TH53 Relocation Project Wetland Permit Application

We are:

☒ Enclosing ☐ Sending under separate cover ☐ Sending as requested

One (1) printed copy of the Wetland Permit Application and supplemental materials for the TH53 Relocation Project.  
Three (3) copies of the Permit Application (CD format) are for your distribution to members of the WCA TEP.

For your:

☐ Information/Records ☐ Review and comment ☒ Approval  
☒ Action ☐ Distribution ☐ Revision and resubmittal

Remarks:

Please direct questions or comments to Shelly Micke, District 1 Environmental Coordinator (218.725.2758 or [michele.micke@state.mn.us](mailto:michele.micke@state.mn.us)) or me at 218.279.3011 / [akramer@sehinc.com](mailto:akramer@sehinc.com).

Thank you for your attention to this permit request.

By: Allyz Kramer, SEH Sr. Biologist | Project Manager

C: Shelly Micke, MnDOT District 1 Environmental Coordinator (one hard copy, one CD copy)  
Daryl Wierzbinski, USACE (one hard copy, one CD copy)  
File  
mh



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## TRANSMITTAL

To: Daryl Wierzbinski  
USACE – St. Paul District  
Regulatory Branch  
600 Lake Ave. S., Suite 211  
Duluth, MN 55802

Date: June 29, 2015

SEH File No.: MNT01 130641 14.00

Client No.:

RE: TH 53 Relocation Project - Compensatory Mitigation & Replacement Plan Application

We are:

☒ Enclosing ☐ Sending under separate cover ☐ Sending as requested  
1 printed copy + 1 CD copy of the Compensatory Mitigation & Replacement Plan Application for the TH 53 Relocation Project

For your:

☐ Information/Records ☐ Review and comment ☒ Approval  
☐ Action ☐ Distribution ☐ Revision and resubmittal

Remarks:

If you have any questions regarding this report or the overall project, please contact me directly at 218.279.3011 or via e-mail at [akramer@sehinc.com](mailto:akramer@sehinc.com).

You may also contact the MnDOT Project Representatives, as follows:

Rob Ege – TH 53 Design Engineer (Applicant)  
218.725.2788  
[Robert.Ege@state.mn.us](mailto:Robert.Ege@state.mn.us)

Pat Huston, PE – TH 53 Project Director  
218.725.2707  
[Patrick.Huston@state.mn.us](mailto:Patrick.Huston@state.mn.us)

Thank you.

Allyz Kramer, PWS, CWD | Project Manager (Applicant's Agent)

C: Rob Ege (Applicant) – MnDOT District 1 (print copy + CD)  
file

ak

s:\ko\m\mnt01\130641\1-gen\14-corresp\transmittal\_dwierzbinski\_corps\_cwareplacementplanapp\_29jun2015.docx

07.13



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL MN 55101-1678**

June 16, 2015

Operations  
Regulatory (2011-00769-DWW)

Mr. Pat Huston  
Trunk Highway 53 Project Director  
Minnesota Department of Transportation District 1 – Duluth  
1123 Mesaba Avenue  
Duluth, Minnesota 55811

Dear Mr. Huston:

This letter is in response to your request for an approved jurisdictional determination for the Rouchleau Pit located in Sections 5 and 8, T. 58N., R. 17W., St. Louis County, Minnesota. The review area for our jurisdictional determination is identified on the attached figure labeled "Review Area 2011-00769-DWW."

We have determined that the review area contains aquatic resources that are not subject to Corps of Engineers jurisdiction.

The rationale for this determination is provided in the attached Approved Jurisdictional Determination form.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the attached NAP.

It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the boundary in response to changing site conditions, information that was not considered during our initial

review, or off-site activities that could indirectly alter the extent of waters on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, contact Daryl W. Wierzbinski in our Duluth office at (218) 720-5291 Ext 35401. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Benjamin R. Cox  
Northwest Section Chief

Copy furnished:

Allyz Kramer, SEH, Duluth, MN  
Virginia, Laszewski, EPA, Chicago, IL  
Phil Forst, FHWA, St. Paul, MN

Attachments:

Review Area 2011-00769-DWW

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Minnesota Department of Transportation		File Number: 2011-00769-DWW	Date: June 16, 2015
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A. INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approve jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B. PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D. APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E. PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION**

If you have questions regarding this decision and/or the appeal process you may contact:

Daryl W. Wierzbinski  
U. S. Army Corps of Engineers, Regulatory Branch  
600 South Lake Avenue, Suite 211  
Duluth, Minnesota 55802

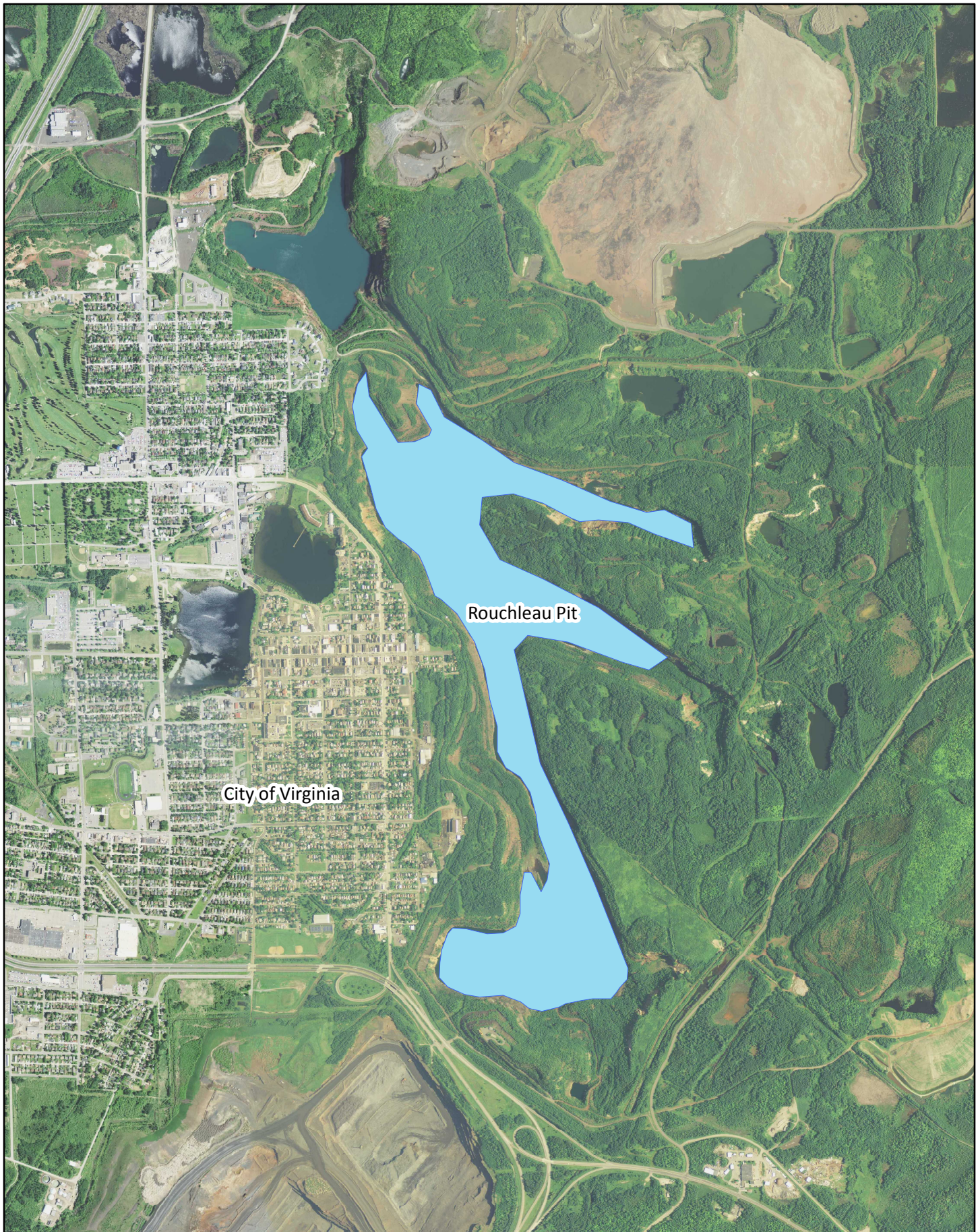
Telephone (218) 720-5291 Ext 35401

If you only have questions regarding the appeal process you may also contact:

Ms. Tonya Acuff  
Administrative Appeals Review Officer  
Mississippi Valley Division  
P.O. Box 80 (1400 Walnut Street)  
Vicksburg, MS 39181-0080  
(601) 634-5821  
(601) 634-5816 (fax)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
Signature of appellant or agent.		



Review Area 2011-00769-DWW

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Feet



**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 16 June 2015**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Highway 53 Relocation; 2011-00769-DWW**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Minnesota County/parish/borough: St. Louis County City: Virginia

Center coordinates of site (lat/long in degree decimal format): Lat. 47.5026° N, Long. 92.5177° W.

Universal Transverse Mercator:

Name of nearest waterbody: N/A

Name of watershed or Hydrologic Unit Code (HUC): St. Louis, Minnesota 04010201

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: 11 June 2015

☐ Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**1. Waters of the U.S.: N/A**

**2. Non-regulated waters/wetlands (check if applicable):<sup>1</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The preamble to the 1986 Final Rule for Regulatory Programs of the Corps of Engineers includes several categories of waters generally not considered to be waters of the United States, including “waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.” For this exclusion to apply such water must have been created in dry land as a result of construction or mining activities and currently used for that purpose. The Rouchleau Pit is an approximately 300-acre waterfilled depression created as a result of mining activities at the site. It has no inlets or outlets connecting it to other waters. After cessation of pumping the pit filled with water to its present condition. A review of historic information suggests that the pit was excavated in dry land. The pit is currently subject to mining uses by Cliffs United Taconite and has not been abandoned. The pit is located next to current mining facilities and within Cliffs United Taconite’s permit to mine - meaning that the area could be mined under state law without additional permitting. For these reasons, it is determined the Rouchleau Pit is not a water of the United States.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A**

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A**

**C. SIGNIFICANT NEXUS DETERMINATION: N/A**

<sup>1</sup> Supporting documentation is presented in Section III.F.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- ☒ Other (explain, if not covered above): **This water is subject to a category of waters generally not considered to be waters of the United States in the preamble to the 1986 Final Rule for Regulatory Programs of the Corps of Engineers.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☒ Lakes/ponds: 300 acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

#### **SECTION IV: DATA SOURCES.**

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Minnesota Department of Transportation
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name:
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date):  
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:



US Army Corps  
of Engineers  
St Paul District

**APPLICANT:**  
**Minnesota Department of**  
**Transportation**  
**District 1: SP 6918-80**

## **Public Notice**

**ISSUED: 24 March 2015**

**EXPIRES: 23 April 2015**

**REFER TO: 2011-00769-DWW**

**SECTION: 404 - Clean Water Act**

1. APPLICATION FOR PERMIT TO discharge dredged and fill materials into 6.04 acres of wetlands adjacent to unnamed tributaries to the St. Louis River for the purpose of addressing the termination of the 1960 easement agreement granted by United States Steel Corporation (now held by RGGS) that affects the current 1.5-mile Trunk Highway (TH) 53 segment between 2<sup>nd</sup> Avenue West and Cuyuna Drive in the City of Virginia, Minnesota.

### 2. SPECIFIC INFORMATION.

**APPLICANT'S ADDRESS:**  
Minnesota Department of Transportation  
District 1, 1123 Mesaba Avenue, Duluth,  
Minnesota 55811

**AGENT:** Short, Elliott, Hendrickson (SEH)  
Incorporated, 418 West Superior Street,  
Suite 200, Duluth, Minnesota 55802

**PROJECT LOCATION:** The project site is located in Sec(s). 8, 9, 16, 17, 20, 21, T. 58N., R. 17 W., St. Louis County, Minnesota. UTM 15 with the approximate Lat/Long (decimal degrees) is 47.5026°, -92.5177°.

**OTHER FEDERAL AGENCY INVOLVEMENT:** This project is being funded by Federal Highway Administration (FHWA). As such, FHWA is the lead Federal agency responsible for compliance with applicable laws and regulations. This includes the National Environmental Policy Act (NEPA), Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act. An Environmental Impact Statement is being prepared to satisfy the agency's responsibility under NEPA. The Corps has entered into an agreement with FHWA to cooperate in preparation of the EIS to streamline review for both agencies.

The Draft EIS (DEIS) was published for public comment in early 2015; the period for submitting comments on the DEIS has ended. However, the DEIS and other, more detailed information on the project can be found at <http://www.dot.state.mn.us/d1/projects/hwy53relocation/>. This public notice is to solicit public comments on the permit application submitted by the Minnesota Department of Transportation for discharges of dredged or fill material into waters of the United States associated with this project.

**Operations - Regulatory (2011-00769-DWW)**  
**SUBJECT: Notice of Application for TH 53 Relocation Project**

**DESCRIPTION OF PROJECT:** The application was prepared to describe the MnDOT proposed relocation and realignment of Trunk Highway (TH) 53 from a segment of roadway that operates on an easement subject to mineral rights held by RGGGS Land and Minerals Company, and Cliffs Natural Resources Incorporated, United Taconite, LLC (UTAC).

Since 1960, MnDOT has operated a 1.5-mile segment of TH 53 on an easement granted by United States Steel Corporation (now held by RGGGS). The segment is subject to iron ore mining rights held by RGGGS, and UTAC, the mine owner and operator. Under the 1960 easement agreement terms, MnDOT agreed to relocate the segment of TH 53 upon notice from the mine owner/operator that continued mine operations were to proceed in the subject area.

On May 5, 2010, UTAC and RGGGS provided notice to MnDOT that the 1960 easement rights would be terminated. Under the original easement terms, MnDOT must vacate the TH 53 easement within three years of notification. In response to the notice, MnDOT requested a seven-year timeframe for the relocation of TH 53. The parties have signed an agreement to modify the easement vacation date to May 2017.

The purpose of the project is to address the termination of the 1960 easement agreement that affects the current highway location in order to continue to provide a transportation facility that would safely maintain an adequate roadway capacity and mobility as well as local, regional, and inter-regional connectivity.

**PROJECT ALTERNATIVES:** Five alternatives were identified in the DEIS. A brief description of these alternatives is listed below.

1. No-build Alternative (Existing Easement Agreement Area Closed) would respond to the easement terms by closing the segment of TH 53 within the existing easement agreement area and reroute traffic to existing highways.

No-build Alternative (Existing Easement Agreement Area Remains Open), although not in compliance with terms of the existing agreement, would keep TH 53 in place and open to traffic by addressing the economic, legal, and engineering issues associated with resolving the terms of the existing surface transportation easement agreement. The State of Minnesota would not vacate TH 53, but would keep the highway segment open.

2. Alternative M-1 (New Alignment through Active Mine) would consider construction of a new four-lane TH 53 alignment through the active UTAC mine.
3. Alternative E-1A (New Alignment through Permit to Mine Boundary) would consider construction of a new four-lane TH 53 alignment through the UTAC permit to mine area. This alternative routes TH 53 across the Rouchleau Pit along an existing submerged haul road embankment.
4. Alternative E-2 (Preferred: New Alignment around UTAC Permit to Mine Boundary) would be routed around the UTAC permit to mine and environmental setting boundaries. The proposed alignment would follow a northeasterly track on the present

**Operations - Regulatory (2011-00769-DWW)**  
**SUBJECT: Notice of Application for TH 53 Relocation Project**

day Landfill Road corridor before turning to the west to cross over the Rouchleau Pit. Upon crossing the pit, the alignment turns to the southwest following an abandoned railroad corridor that runs between the pit and residential neighborhoods before reconnecting to existing TH 53 at 2<sup>nd</sup> Avenue West. A bridge would be built along the corridor across the Rouchleau Pit.

**VEGETATION IN AFFECTED AREA:** The project would result in the discharge of dredged and fill material into 6.04 acres of wetlands: 1.1 acres of fresh wet meadow; 2.13 acres fresh wet meadow/shrub-carr; 0.05 acre sedge meadow; 2.0 acres sedge meadow/shallow marsh; 0.12 acre shallow marsh; 0.45 acre shallow marsh/shrub-carr; and 0.19 acre seasonally flooded basin.

The wetland review was based on a Level 1 assessment that utilized current digital data from the U.S. Geological Survey, U.S. Fish and Wildlife Service (FWS) National Wetlands Inventory, MnDNR Public Waters Inventory, U.S. Department of Agriculture Natural Resources Conservation Service hydric soils data, and a visual inspection of selected wetlands. Wetland boundaries were verified by photo interpretation, review of digital data, and visual inspection of wetland areas for general wetland types and characteristics.

A Level 2 wetland delineation is planned for spring 2015. Updated wetland impact information would be available after the Level 2 delineation is complete.

**SOURCE OF FILL MATERIAL:** The source of fill material would be determined by the contractor. The type of fill material would be clean granular soils for embankment and salvaged topsoil from within the project limits. If fill material would be needed beyond what is available on site, MnDOT's special provisions 1602 and 1701 would apply.

**SURROUNDING LAND USE:** Taconite Mining, City of Virginia's business district

**DESCRIPTION OF STRUCTURE:** A bridge structure would be built across the Rouchleau Pit. The structure would not require fill to be discharged in the pit below the water surface. There would be placement of fill along limited areas of the pit wall for placement of abutments for the bridge crossing.

**DESCRIPTION OF DREDGING OR EXCAVATION:** There would be excavation activities for the construction of the road bed along the project corridor and retention/detention ponds.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The preferred alternative would have no net change in impervious surface from the existing condition. Per National Pollutant Discharge Elimination Systems (NPDES) requirements, treatment of stormwater is not required based on the net change in impervious surface area for the project. However, water quality treatment of the stormwater runoff from the constrained cross section would be included to maintain water quality of the Rouchleau Pit. Construction erosion and sediment control would be provided in accordance with Minnesota Pollution Control Agency and NPDES requirements.

**Operations - Regulatory (2011-00769-DWW)**  
**SUBJECT: Notice of Application for TH 53 Relocation Project**

MITIGATION: Compensatory mitigation for impacts to wetlands is proposed through debit of credits from an established wetland mitigation bank. The preliminary amount of credit to be withdrawn by the applicant would be 5.67 credits; the credit amount would be refined after the Level 2 wetland delineation would be complete in spring 2015. It was estimated by MnDOT that 0.37 acre of wetlands in ditch systems are non-jurisdictional within the project corridor.

This is a state project for which MnDOT would be providing replacement using wetland credits already in the MnDOT Wetland Banks already established for MnDOT-specific projects. Credits would be debited from Bank Service Area (BSA) 1 as a first priority. If sufficient credits are not available in BSA 1, the credits would be debited from established wetland mitigation banks in other bank service areas at an increased debit ratio.

**3. REPLIES/COMMENTS.**

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Daryl W. Wierzbinski at the Duluth office of the Corps, telephone number (218) 720 – 5291 Ext 35401.

To receive Public Notices by e-mail, go to: [http://mvp-extstp/list\\_server/](http://mvp-extstp/list_server/) and add your information in the New Registration Box.

**4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.**

St. Louis County is within the known or historic range of the following Federally-listed threatened (T) species:

<u>Species</u>	<u>Habitat</u>
Gray Wolf ( <i>Canis Lupus</i> ) (T)	Northern forested areas
Canada Lynx ( <i>Lynx Canadensis</i> ) (T)	Northern forested areas

This information in the application about Federally-listed threatened species is being coordinated between the FHWA and the FWS. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

The Northern Long-eared Bat (proposed to be listed as threatened) is also being coordinated with the FWS for the review process.

**Operations - Regulatory (2011-00769-DWW)**  
**SUBJECT: Notice of Application for TH 53 Relocation Project**

**5. JURISDICTION.**

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act.

MnDOT had requested the Corps to prepare an approved jurisdictional determination for the Rouchleau Pit and 2.57 acres of wetlands (W17, W22, W23, W24, W28, W29, W30, W44) within the TH 53 corridor prior to making a permit decision. This may affect the amount of jurisdictional wetlands and waters under Section 404 of the Clean Water Act, which in turn, could also affect the level of permitting for the overall project.

Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

**6. STATE SECTION 401 WATER QUALITY CERTIFICATION.**

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Resource Management and Assistance Division,  
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

**7. HISTORICAL/ARCHAEOLOGICAL.**

The FHWA will review information on known cultural resources and/or historic properties within and adjacent to the project area. The FHWA will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the FHWA's determination of effect will be coordinated with the State Historic Preservation Officer

**Operations - Regulatory (2011-00769-DWW)**  
**SUBJECT: Notice of Application for TH 53 Relocation Project**

independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

**8. PUBLIC HEARING REQUESTS.**

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

**9. PUBLIC INTEREST REVIEW.**

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Benjamin Cox  
Chief, Northwest Section

Enclosures

**NOTICE TO EDITORS:** This public notice is provided as background information and is not a request or contract for publication.



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418 W. SUPERIOR ST., SUITE 200

Project: MNT01 130641  
Print Date: 2/12/2015

## Project Overview Map

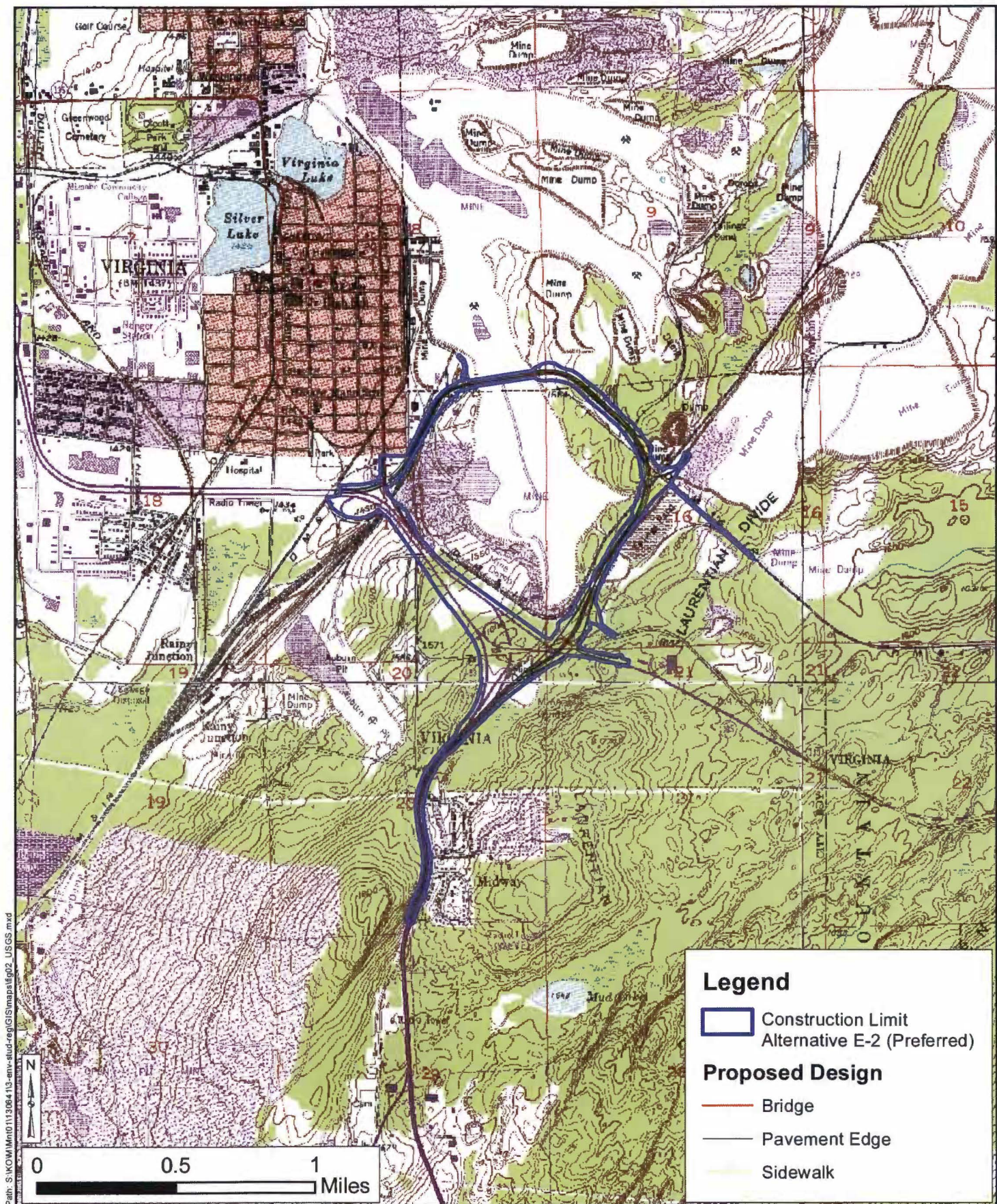
TH 53 Relocation Project  
St. Louis County, Minnesota

Figure  
1

2011-00769-DWW  
Drawing 1 of 8

This map is neither a legally record  
information system (GIS). Data user  
map acknowledges that SEH shall

information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic  
lateral, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this



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418 W. SUPERIOR ST., SUITE 200

Project: MNT01 130641  
Print Date: 2/12/2015

## Project Location Map (USGS)

TH 53 Relocation Project  
St. Louis County, Minnesota

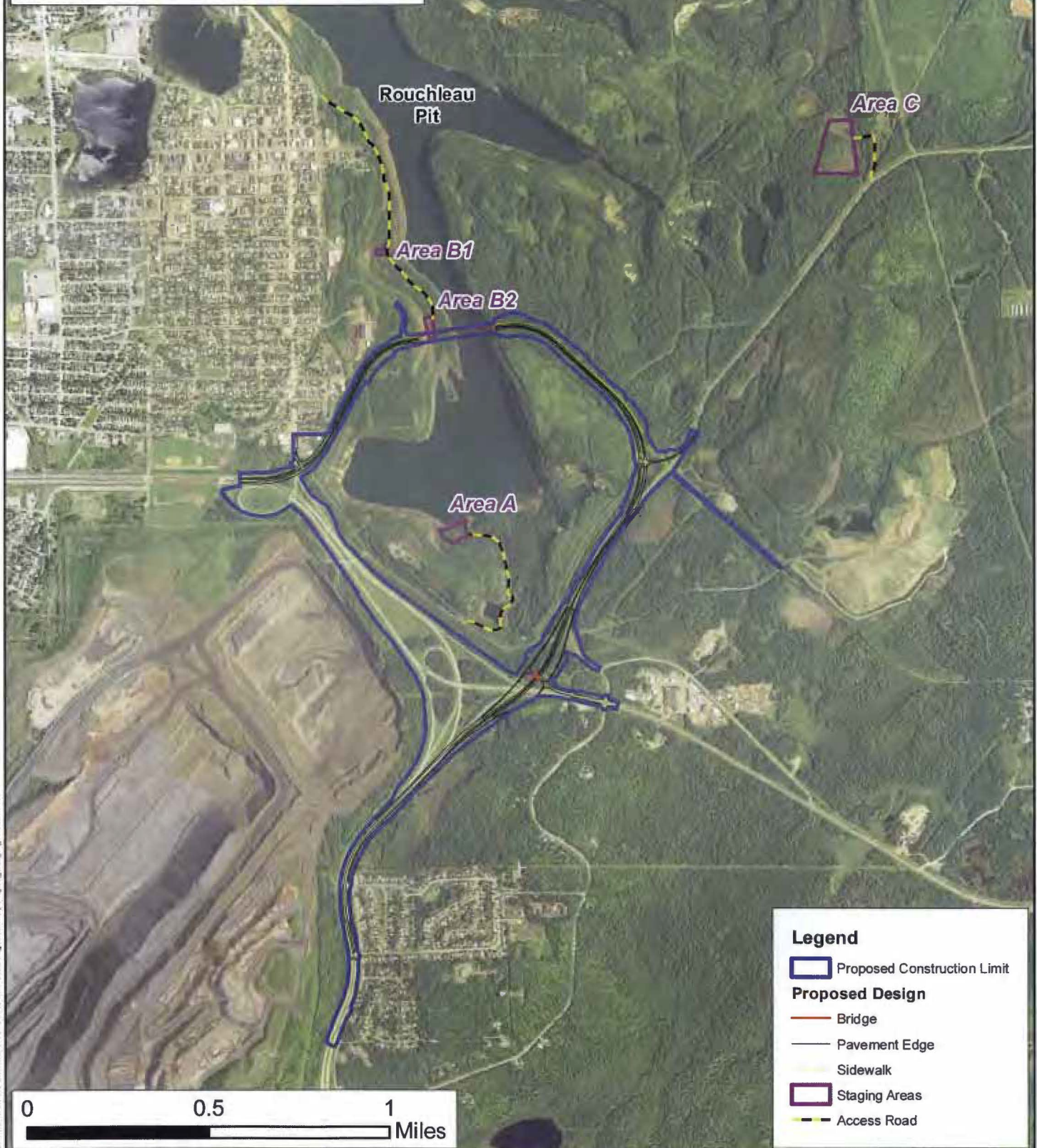
Figure  
2

2011-00769-DWW  
Drawing 2 of 8

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tional, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this

**Note:** Staging Areas A and B are temporary and will be utilized during construction. Staging Area C will be used as the snow dump area after construction is complete.



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418 W. SUPERIOR ST., SUITE 200

Project MNT01 130641  
Print Date: 3/2/2015

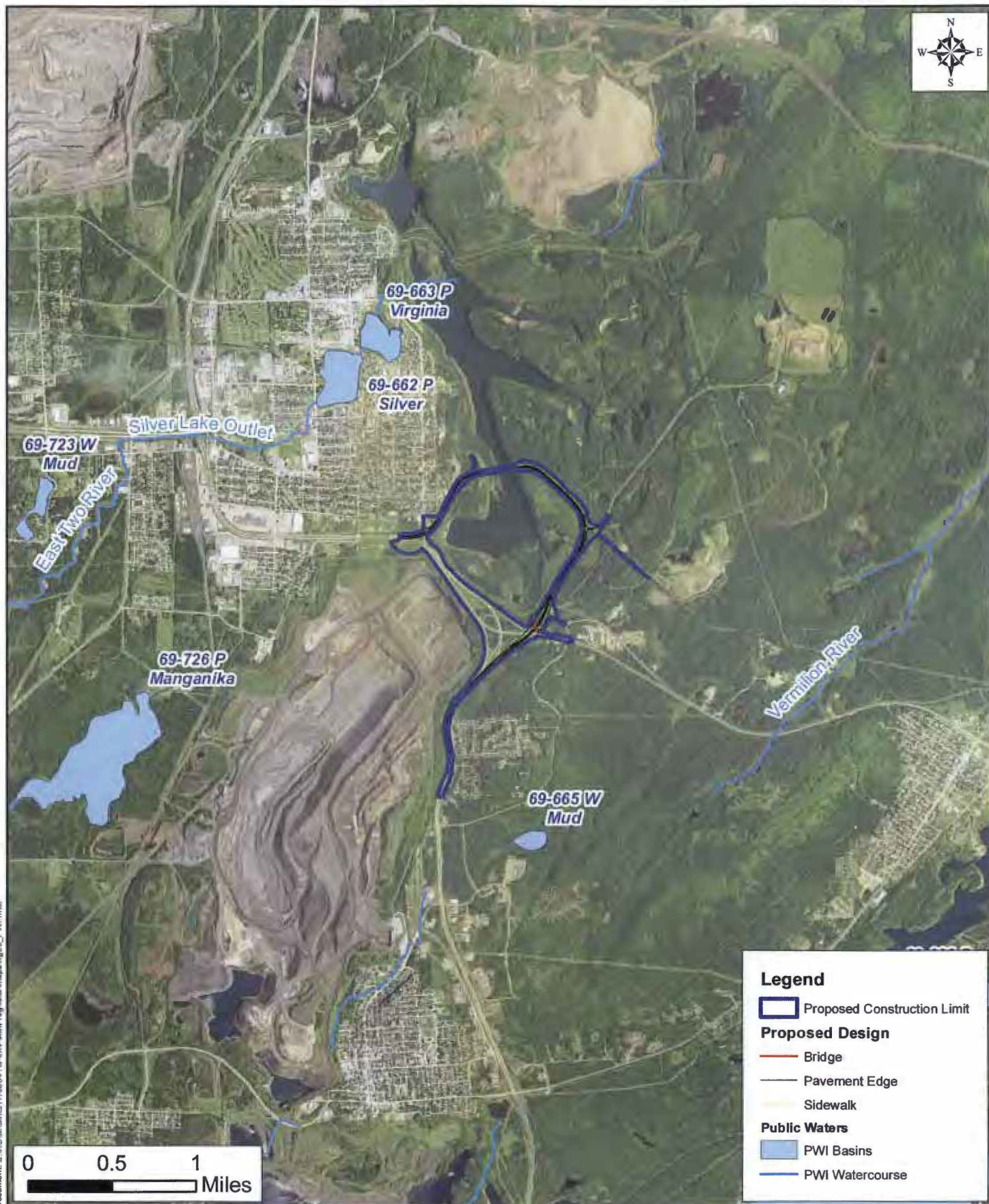
## STAGING AND ACCESS AREAS

TH 53 Relocation Project  
St. Louis County, Minnesota

Figure  
3

2011-00769-DWW  
Drawing 3 of 8

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418 W. SUPERIOR ST., SUITE 200

Project: MNT01 130641  
Print Date: 2/12/2015

trial

**MNDNR PWI**  
TH 53 Relocation Project  
St. Louis County, Minnesota

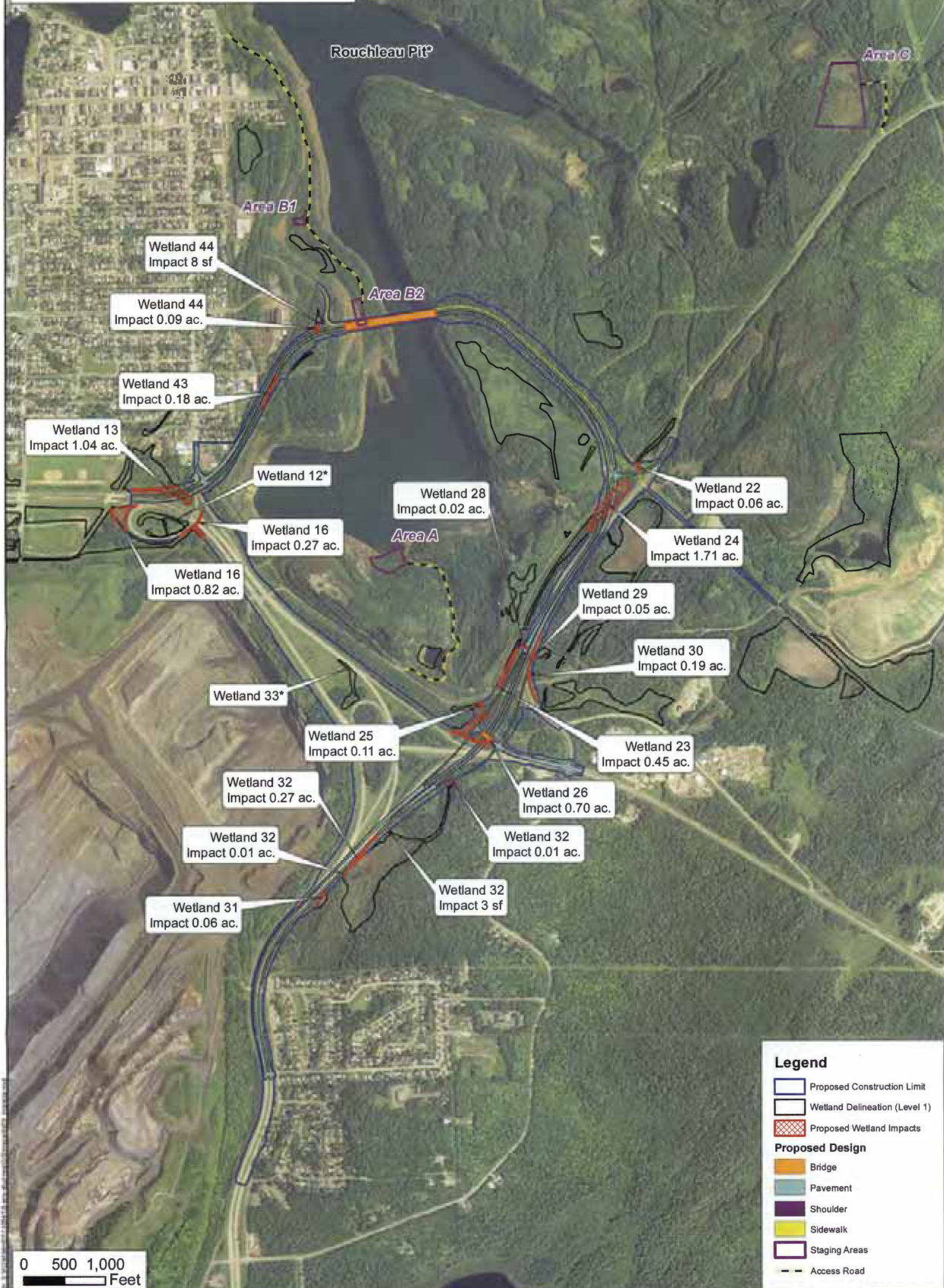
Figure  
5

2011-00769-DWW  
Drawing 4 of 8

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navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of the

**\* Notes:**

- Wetlands 12 and 33 are within the project construction limit but will not be impacted. These wetlands occur in an area where the existing TH 53 is proposed to be obliterated and no additional construction would take place. Therefore, impacts to Wetlands 12 and 33 are able to be avoided.
- Bridge abutments adjacent to the Rouchleau Pit will be above or notched into the pit wall. Impacts to the open water area of the pit will be avoided.



418 W. SUPERIOR ST., SUITE 200  
DULUTH, MN 55802-1512  
PHONE: (763) 261-1111  
FAX: (763) 261-1112  
TF: (800) 368-5858  
www.seh.com

Project: MNT01 130641  
Print Date: 3/2/2015

## Preliminary Wetland Impacts

TH 53 Relocation Project  
St. Louis County, Minnesota

Figure  
9

2011-00769-DWW  
Drawing 5 of 8

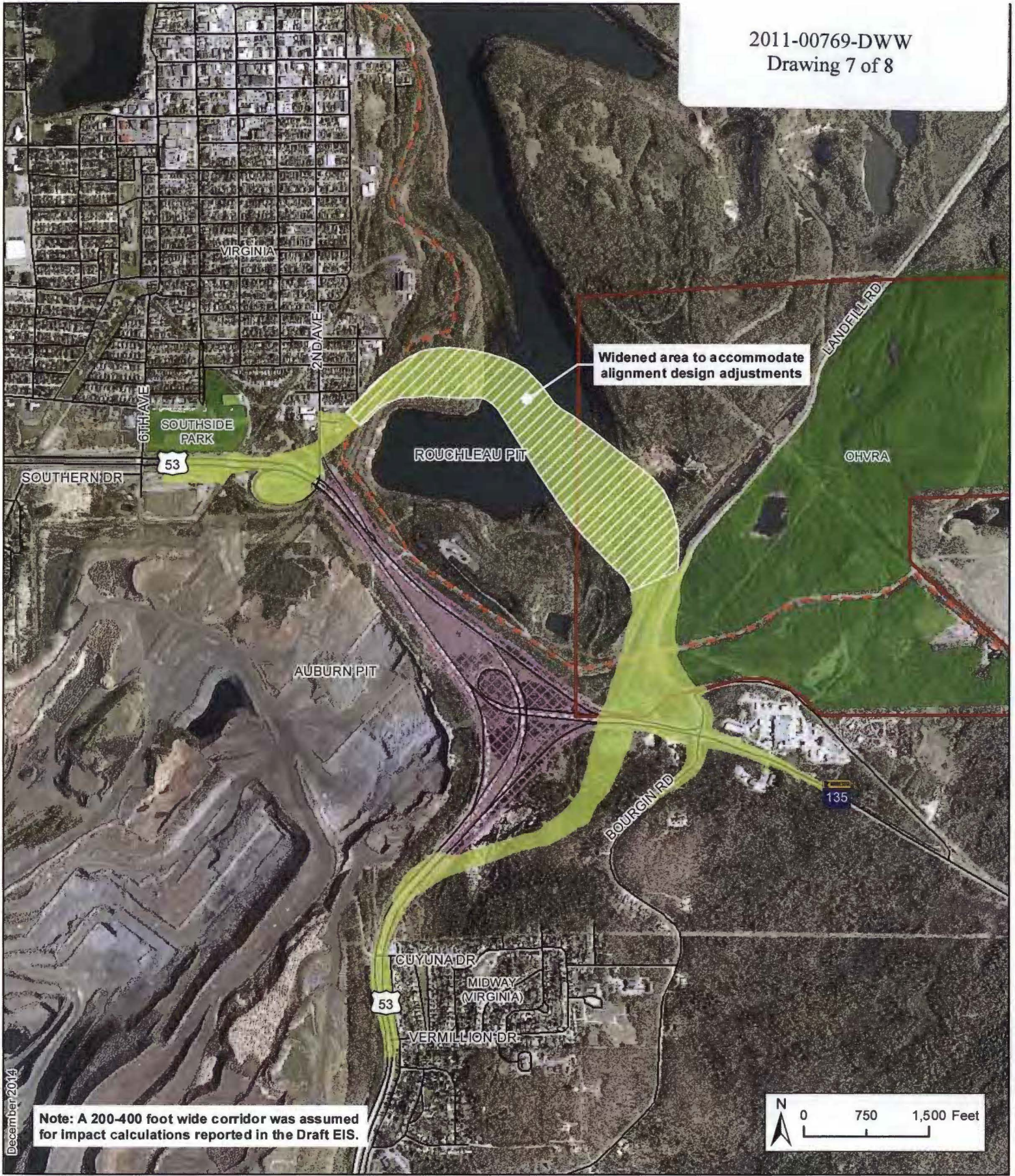
This map is intended to be used for informational purposes only. It is not intended to be used for any other purpose. The user of this map acknowledges that SEH shall not be liable for any damages which result from the use of this map.

This map is intended to be used for informational purposes only. It is not intended to be used for any other purpose. The user of this map acknowledges that SEH shall not be liable for any damages which result from the use of this map.



**Figure 2.1-5**  
**Alternative M-1**  
US Highway 53 Virginia to Eveleth  
Draft Environmental Impact Statement





Source: USGS Aerial 2011

Legend

- Alternative E-1A Area of Evaluation
- Existing US 53 Easement Agreement Area
- Existing Public Recreation Land
- Existing School Trust Land
- Existing Mesabi Trail

**Figure 2.2-1**  
**Alternative E-1A**  
US Highway 53 Virginia to Eveleth  
Draft Environmental Impact Statement

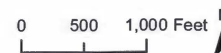




**Legend**

- |                              |  |                              |
|------------------------------|--|------------------------------|
| — Existing US 53 Alternative | Existing US 53 Easement Area                   | Estimated Wetland Boundaries |
| — Alternative M-1            | Alternative M-1 Estimated Construction Limits  | Potential Wetland Impacts    |
| — Alternative E-1A           | Alternative E-1A Estimated Construction Limits |                              |
| — Alternative E-2            | Alternative E-2 Estimated Construction Limits  |                              |

2011-00769-DWW  
Drawing 8 of 8



**FIGURE 1**  
**Water Resources**

US Highway 53 Virginia to Eveleth  
Draft Environmental Impact Statement



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL MN 55101-1678**

June 1, 2015

Operations  
Regulatory (2011-00769-DWW)

Mr. Robert Ege  
Minnesota Department of Transportation District 1  
1123 Mesaba Avenue  
Duluth, Minnesota 55811

Dear Mr. Ege:

This letter is in response to correspondence dated May 2015, requesting Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed within the 8,000 linear-foot project review area of the Minnesota Department of Transportation (MnDoT) proposed relocation of Trunk Highway 53 (TH 53) in Virginia, Minnesota. The project review area is located in Sections 8, 9, 16, 17, 20, and 21, Township 58N., Range 17W., St. Louis County, Minnesota

We have reviewed the Short Elliott Hendrickson Incorporated (SEH, Inc.) Wetland Delineation Report, MnDoT District 1, TH 53 Relocation Project dated May 2015, and determined that the limits of the aquatic resources have been accurately identified in accordance with current agency guidance including the *Corps of Engineers Wetland Delineation Manual* (1987 Manual) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. This concurrence is only valid for the review area shown on the attached Figure 2. The boundaries shown on Figure 7 – 1 through Figure 7 – 17 of the report accurately reflect the limits of the aquatic resources in the review area.

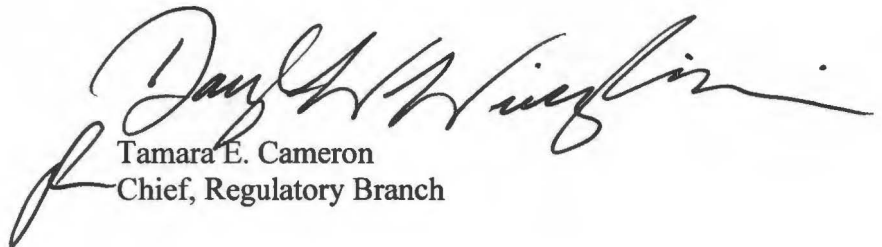
This concurrence may generally be relied upon for five years from the date of this letter. However, we reserve the right to review and revise our concurrence in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. Our concurrence may be renewed at the end of this period provided you submit a written request and our staff are able to verify that the determination is still valid.

This review did not include a jurisdictional determination as to whether the wetlands or other aquatic resources identified at the site would be subject to Corps of Engineers jurisdiction under the Clean Water Act (CWA).

Please note that the discharge of dredged or fill material into waters of the United States without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, contact Daryl W. Wierzbinski in our Duluth office at (218) 720-5291. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron  
Chief, Regulatory Branch

Copy furnished:

Philip Forst, FHWA, St. Paul, MN  
Virginia Laszewski, EPA, Chicago, IL  
Patrick Huston, MnDoT, Duluth, MN  
Allyz Kramer, SEH Inc., Duluth, MN

Attachments

Figure 2  
Figure 7 – 1 through Figure 7 – 17



**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL MN 55101-1678**

July 21, 2015

REPLY TO  
ATTENTION OF  
Operations  
Regulatory (2011-00769-DWW)

Mr. Robert Ege  
Minnesota Department of Transportation District 1  
1123 Mesaba Avenue  
Duluth, Minnesota 55811

Dear Mr. Ege:

This letter is in response to your request for an approved jurisdictional determination for wetlands and two open waters located across Sections 8, 9, 16, 17, 20, 21, T. 58N., R. 17W., St. Louis County, Minnesota. The review area for our jurisdictional determination is identified on the attached 2010-00769-DWW, Figure 1 through Figure 18.

We have determined that the review area contains aquatic resources that are not subject to Corps of Engineers jurisdiction. These aquatic resources include the following: Wetlands 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 30, 31, 32, 33, 71, 76, 77, 78, 79, 80, and Ponds 1 and 2 that flow into the Rouchleau Pit basin; Wetlands 40, 41, 54 that flow into the Thunderbird Mine Pit; and Wetlands 2, 7, 21, 22, 46, 52, 63, 72, 73, 74, 75 in the landscape.

The rationale for this determination is provided in the attached Approved Jurisdictional Determination form.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the attached NAP.

It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the boundary in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, contact Daryl W. Wierzbinski in our Duluth office at (218) 720-5291 Ext 35401. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Benjamin R. Cox  
Chief, Northwest Section

Copy furnished:

Pat Huston, MnDoT, Duluth, MN

Allyz Kramer, SEH, Duluth, MN

Phil Forst, USFW, St. Paul, MN

Virginia Laszewski, EPA, Chicago, IL

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Minnesota Department of Transportation District 1		File Number: 2011-00769-DWW	Date: July 21, 2015
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A. INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approve jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B. PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D. APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E. PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

## POINT OF CONTACT FOR QUESTIONS OR INFORMATION

Ms. Tonya Acuff  
Administrative Appeals Review Officer  
Mississippi Valley Division  
P.O. Box 80 (1400 Walnut Street)  
Vicksburg, MS 39181-0080  
(601) 634-5821  
(601) 634-5816 (fax)

	Date:	Telephone number:
Signature of appellant or agent.		